

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW MEXICO

3 UNITED STATES OF AMERICA,
4 Plaintiff,

5 vs. NO: CR-15-4268 JB
6 ANGEL DELEON, et al.,
7 Defendants.

8
9 Transcript of excerpt of testimony of
10 NANCY STEMO
11 February 27, 2018, and February 28, 2018
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 February 27, 2018

2 THE COURT: All right. Do the defendants
3 have their next witness or evidence?

4 MR. VILLA: Yes, Your Honor. Mr. Perez
5 calls FBI Agent Nancy Stemo.

6 MS. DUNCAN: Your Honor, may we approach
7 before Agent Stemo testifies?

8 THE COURT: You may.

9 (The following proceedings were held at
10 the bench.)

11 MS. DUNCAN: Your Honor, I don't know if
12 Mr. Villa is planning to get into this.

13 Ms. Stemo interviewed the witness who just
14 pled the Fifth.

15 MR. VILLA: No.

16 MS. DUNCAN: Okay. Never mind.

17 THE COURT: All right.

18 (The following proceedings were held in
19 open court.)

20 THE COURT: All right. Ms. Stemo, if
21 you'll come up and stand next to the witness box on
22 my right, your left. Before you're seated, my
23 courtroom deputy, Ms. Standridge, will swear you in.

24 NANCY STEMOM

25 after having been first duly sworn under oath,

1 was questioned and testified as follows:

2 THE CLERK: Please be seated. State and
3 spell your name for the record.

4 THE WITNESS: Nancy Stemo. N-A-N-C-Y
5 S-T-E-M-O.

6 DIRECT EXAMINATION

7 BY MR. VILLA:

8 Q. Good afternoon.

9 A. Good afternoon.

10 Q. How are you employed?

11 A. I'm an agent with the FBI.

12 Q. How long have you been with the FBI?

13 A. Approximately two years.

14 Q. Prior to that, were you in law
15 enforcement?

16 A. I was not.

17 Q. When you began with the FBI two years ago,
18 is that when you started the Academy?

19 A. No.

20 Q. When did you start the Academy?

21 A. May 2016.

22 Q. In the Academy you're trained, I imagine,
23 on all matter of things FBI, right?

24 A. Yes.

25 Q. Is one of the things you're trained on

1 report writing?

2 A. Yes.

3 Q. And specifically writing reports of
4 interviews done of people involved in criminal
5 cases?

6 A. Yes.

7 Q. What are you trained in that regard?

8 A. To ask people about what happened, and not
9 to do it in a way that is leading.

10 Q. And how about in terms of what you're
11 supposed to write down about what the people tell
12 you in those interviews?

13 A. We're supposed to write down what they
14 tell us to the best of our recollection.

15 Q. And try to be thorough?

16 A. Yes.

17 Q. Include everything that they told you?

18 A. Yes.

19 Q. Not leave anything out?

20 A. Yes.

21 Q. Be accurate?

22 A. Yes.

23 Q. Now, Agent Stemo you participated in the
24 investigation of the SNM; is that right?

25 A. Yes.

1 Q. Including defendants charged in this case,
2 not necessarily that are on trial today, but other
3 defendants that have been charged and have since
4 cooperated with the Government?

5 A. Yes.

6 Q. On October 24, 2017, did you interview
7 Mario Rodriguez?

8 A. I did.

9 Q. Mario Rodriguez is also known as Blue?

10 A. Correct.

11 Q. Can we see Government's 586? While we're
12 pulling that up, that interview was conducted here
13 in Las Cruces, correct?

14 A. Yes.

15 Q. At the federal courthouse, in fact?

16 A. It was.

17 Q. This courthouse?

18 A. Yes.

19 Q. And present -- well, now we've got
20 Government's 586. Is this Mario Rodriguez?

21 A. It is.

22 Q. That's the individual that we're talking
23 about, right?

24 A. Correct.

25 Q. And present for that interview was United

1 States Attorney Maria Armijo?

2 A. Yes.

3 Q. Also United States Attorney Randy
4 Castellano?

5 A. I believe so.

6 Q. You're not sure?

7 A. No.

8 Q. If I showed you the report you wrote for
9 that, would that refresh your recollection?

10 A. It would.

11 MR. VILLA: May I approach?

12 THE COURT: You may.

13 Q. Just take a look at that. Don't read it
14 out loud, just read it to yourself.

15 A. Okay.

16 Q. Does that refresh your recollection?

17 A. It did.

18 Q. So Mr. Castellano, he was there?

19 A. He was.

20 Q. Mr. Beck was there?

21 A. He was.

22 Q. And the interview was done of Mr.

23 Rodriguez pursuant to a Kastigar letter?

24 A. I believe so.

25 Q. Which is a letter that essentially gives

1 him protection for the things he tells you guys?

2 A. It is.

3 Q. So that he can't get in trouble based on
4 what he tells you guys?

5 A. Correct.

6 Q. And I don't want to delve into the entire
7 interview. I want to talk specifically about what
8 he told you about taking the piece from Mr. Perez'
9 walker. Do you remember that?

10 A. I do.

11 Q. That was part of the interview that you
12 conducted?

13 A. Yes, it was.

14 Q. And one of the things you wrote in the
15 report that I told you about; is that right?

16 A. Yes.

17 Q. Okay. So Mr. Rodriguez told you that he
18 took the metal piece off of Mr. Perez' walker; is
19 that right?

20 A. Correct.

21 Q. And that during that time, Mr. Perez
22 appeared scared?

23 A. I believe that's what he told me.

24 Q. And that's what you wrote in your report?

25 A. Yes.

1 Q. And you wouldn't have written it in your
2 report if he hadn't told you that?

3 A. I don't think I would have.

4 Q. Now, he also told you that -- right after
5 he told you Mr. Perez appeared scared, he told you
6 that you Mr. Perez said he was "down for whatever,
7 as long as it's not me," right?

8 A. Correct.

9 Q. And he told you how he interpreted that
10 statement, didn't he?

11 A. He did.

12 Q. And Mr. Rodriguez told you that he
13 understood that what Mr. Perez meant is that he did
14 not want to be hurt and would go along with it, with
15 the hit, if he, Mr. Perez, did not otherwise have to
16 be involved?

17 A. Correct.

18 Q. That's what Mr. Rodriguez told you?

19 A. Yes.

20 Q. And you are aware, Agent Stemo, that this
21 report that you prepared -- I guess it's dated
22 November 6, 2017?

23 A. I would have to see the report.

24 Q. I can show it to you.

25 A. Yes.

1 MR. VILLA: May I approach?

2 THE COURT: You may.

3 A. November 6, 2017.

4 Q. So the interview took place October 24th.
5 The report got finalized November 6, 2017, right?

6 A. Yes.

7 Q. But before it actually got finalized,
8 Mario Rodriguez had a chance to review the report,
9 didn't he?

10 A. He did.

11 Q. And he was able to review the report that
12 you prepared November 1st, 2017?

13 A. Do you mean the one for the October 24th
14 interview?

15 Q. Yes. So you prepared the October 24th
16 interview report, and then on November 1st Mr.
17 Rodriguez was able to review a draft?

18 A. I'm not sure of the date that he reviewed
19 it.

20 Q. If I showed you Agent Acee's report that
21 discussed the date, would that help refresh your
22 recollection?

23 A. It would.

24 MR. VILLA: May I approach?

25 THE COURT: You may.

1 Q. I'm showing you Agent Acee's report, which
2 he dates November 20, 2017, as the day he wrote the
3 report -- or finished the report, right?

4 A. Correct.

5 Q. And does this discuss here, where I've
6 highlighted, when Mr. Rodriguez got to review your
7 report?

8 A. Yes, it does.

9 Q. Does that refresh your recollection?

10 A. Yes, it does.

11 Q. So is it correct that on November 1st,
12 2017, Mr. Rodriguez got to review your report?

13 A. Yes, it is.

14 Q. And he had an opportunity to clarify
15 details that you put in your report?

16 A. He did.

17 Q. And then after that clarification process,
18 you finalized the report on November 6, 2017?

19 A. Correct.

20 Q. And during that clarification process, Mr.
21 Rodriguez did not tell you that when you wrote in
22 your report that Mr. Perez appeared scared, that you
23 were incorrect?

24 A. Correct.

25 Q. He didn't say, "I never told you that on

1 October 24th, Agent Stemo; you need to fix that"?

2 A. Correct.

3 Q. Or that when you relayed how Mr. Rodriguez
4 interpreted Mr. Perez' statement, that you wrote
5 that down incorrectly?

6 A. Correct.

7 Q. He didn't say, "Wait a minute, wait a
8 minute. That's wrong, Agent Stemo. You should fix
9 that"?

10 A. No, he didn't.

11 Q. And you would agree with me, Agent Stemo
12 that you did another interview of Mario Rodriguez on
13 November 3, 2018?

14 A. November 3, 2018?

15 Q. I'm sorry. February 3, 2018?

16 A. I'd have to see the report to remember the
17 date.

18 Q. Absolutely.

19 MR. VILLA: May I approach, Your Honor?

20 THE COURT: You may.

21 Q. Agent Stemo, I'm showing you a report that
22 you dated February 3, 2018, right?

23 A. Yes.

24 Q. And does this refresh your recollection?

25 A. Yes.

1 Q. So you conducted another interview of
2 Mario Rodriguez on February 3, 2018, correct?

3 A. Yes.

4 Q. And the United States Attorney, Maria
5 Armijo, was present for that, correct?

6 A. She was.

7 Q. And you would agree with me that at that
8 meeting, Mario Rodriguez didn't say, "Hey, Agent
9 Stemo, I forgot to tell you, when I had a chance to
10 clarify your October 24th report, that what you
11 wrote down about Mr. Perez being in fear was wrong"?

12 A. Correct. He didn't bring that up.

13 Q. He never said that?

14 A. No.

15 Q. He never said, "When you wrote down in
16 your report how I interpreted Mr. Perez' statement
17 that he didn't want to get hurt, you wrote that down
18 wrong"?

19 A. He didn't say that.

20 Q. Or he didn't say, "I didn't tell that to
21 you, Agent Stemo"?

22 A. Correct.

23 Q. Because you would have written that in
24 your February 3rd report?

25 A. I would have.

1 Q. And you didn't?

2 A. Correct.

3 Q. Can we bring up Defendants' FV, as in
4 Victor. Agent Stemo, you're going to see here on
5 your screen what's already admitted as Defendants'
6 FV, and I'll show you the full document here just
7 for a minute. Have you seen this before?

8 A. I have.

9 Q. Now, Agent Acee testified about this
10 letter, that it was a letter written by Mario
11 Rodriguez. Is that what you understand this to be?

12 A. I do.

13 Q. Can you tell the jury how you know about
14 this letter?

15 A. This past Sunday, Task Force Officer Cupit
16 gave me a box, or attempted to give me a box of
17 Mario Rodriguez' belongings that were taken from him
18 from the PNM facility. I decided to go through it,
19 and I found this letter in it.

20 Q. Can you tell me, why did you go through
21 Mr. Rodriguez' box?

22 A. I didn't want to give anything back to Mr.
23 Rodriguez without going through it to make sure that
24 there wasn't anything in there that he shouldn't
25 have.

1 Q. Like what?

2 A. Paperwork, for example, or drugs.

3 Q. Weapons?

4 A. That's possible.

5 Q. Tell me about this box. What did the box
6 look like?

7 A. Just a standard box, cardboard.

8 Q. Where did the box come from?

9 A. I believe it was under Agent Sainato's
10 desk.

11 Q. Who is Agent Sainato?

12 A. He's one of my coworkers.

13 Q. He's an FBI agent?

14 A. Yes.

15 Q. Where is his desk?

16 A. At the FBI Albuquerque office.

17 Q. And the box that contained Mario
18 Rodriguez's belongings, including this letter, was
19 under his desk?

20 A. That's what I've been told.

21 Q. Okay. And you got the box, I think you
22 said, from Task Force Officer Cupit?

23 A. Well, he attempted to give it to me. I
24 went through it, and then we decided to let Agent
25 Sainato take care of it.

1 Q. I understand. Did you discover this
2 letter when you went through the box?

3 A. I did.

4 Q. And were you in Albuquerque when you did
5 that?

6 A. I was.

7 Q. And did Agent Sainato give you the box, or
8 Agent Cupit?

9 A. TFO Cupit did.

10 Q. And TFO, that's a task force officer?

11 A. It is.

12 Q. What is a task force officer?

13 A. It's a person that works for another
14 agency but is detailed to the FBI to assist in
15 investigations.

16 Q. So another agency, like not the FBI?

17 A. Correct.

18 Q. What agency, if you know, does Task Force
19 Officer Cupit work with?

20 A. The New Mexico Corrections Department.

21 Q. Task Force Officer Cupit has been
22 participating in this investigation, as well?

23 A. He has.

24 Q. Was he present when you went through the
25 box?

1 A. He was.

2 Q. Was Agent Sainato present?

3 A. He was not.

4 Q. Had you seen the box before under Agent
5 Sainato's desk?

6 A. I don't think I had.

7 Q. Are you aware of when the box came into
8 the possession of the FBI?

9 A. From firsthand knowledge, no.

10 Q. So it's just from what you've been told?

11 A. Correct.

12 Q. You worked this case with other employees
13 of the New Mexico Corrections Department, right?

14 A. Yes.

15 Q. Not just Task Force Officer Cupit?

16 A. Correct.

17 Q. There are, in fact, several others that
18 work with you guys?

19 A. Yes.

20 Q. Okay. And this particular letter you took
21 out of the box, and you provided it to the United
22 States Attorneys?

23 A. I did not personally.

24 Q. You took -- well, let's unpack that. You
25 took it out of the box?

1 A. Correct.

2 Q. Who did you provide it to?

3 A. I phoned Agent Sainato, who said he was
4 going to come in to the office later that day to
5 write a report detailing the discovery of it. And I
6 left it with him.

7 Q. You gave it to Agent Sainato?

8 A. Well, on his desk.

9 Q. On his desk?

10 A. Because he wasn't there.

11 Q. Have you seen it since then?

12 A. This letter?

13 Q. The letter.

14 A. No, I haven't.

15 Q. Why did you think you needed to provide
16 this particular letter to Agent Sainato, as opposed
17 to just giving it back to Mr. Rodriguez?

18 A. Because the information in there, I
19 believe, contradicts what he told us earlier.

20 Q. So the information in the letter
21 contradicts what Mario Rodriguez told you earlier?

22 A. Correct.

23 Q. Okay. So it's different than what he said
24 to you in the past?

25 A. It is.

1 Q. So let's talk about this. Have you seen
2 Mario Rodriguez's handwriting before?

3 A. I have.

4 Q. And does this look like his handwriting?

5 A. It looks very similar.

6 Q. Okay. So we'll go -- I'm going to blow it
7 up for you, and just take it a couple paragraphs at
8 a time. I think we lost a little bit of the text
9 there on the right-hand side.

10 Now, you recognize this form? I mean, it
11 seems like a piece of paper, but it's a specific
12 type of form. Have you seen this type of form
13 before?

14 A. I have.

15 Q. Okay. And where have you seen it?

16 A. Inmates in the custody of New Mexico are
17 issued these forms, I believe.

18 Q. Okay. And so I'm going to circle this box
19 here that says "PNM," and it's shaded in. Do you
20 know the significance of that?

21 A. I don't.

22 Q. Okay. It was like that when you
23 discovered it?

24 A. Yes.

25 Q. And the date I'll circle right here is

1 October 16, 2014?

2 A. Correct.

3 Q. And that's the date that was on it when
4 you found the letter, correct?

5 A. Correct.

6 Q. Okay. Now let's go to the first full
7 paragraph there. So the letter reads, "I, Mario
8 Rodriguez, Number 61059, am writing this here
9 statement on the behalf of Jerry Montoya. I swear
10 all that I state herein now is true to the best of
11 my knowledge."

12 And did I read that right?

13 A. You did.

14 Q. Okay. So it was your feeling, after
15 reading this, that what he said in here contradicted
16 other things that he said to you guys at other
17 periods of time?

18 A. What's in the entire letter, not just what
19 you read, yes.

20 Q. Yeah, that's what I mean. It's in the
21 entire letter. Thank you. Okay. But that's right?
22 That was your opinion after reading the letter?

23 A. Yes.

24 Q. Okay. The next line says, "I'm a
25 co-defendant of Jerry Montoya in CR-2014-00345 and

1 CR-2014-00310, as well as an unknown case" -- and he
2 puts sort of a blank parenthetical. "I have never
3 made any statement involving these cases until now."

4 Do you see that?

5 A. I do.

6 Q. Do you know these cases that he put in
7 here to be the case numbers for the state charges
8 that came out of the Javier Molina homicide?

9 A. No, I don't know those numbers.

10 Q. Do you know Jerry Montoya to be one of the
11 individuals involved in the Javier Molina homicide?

12 A. I do.

13 Q. Do you know if he was charged in state
14 court with the Javier Molina homicide?

15 A. Yes.

16 Q. And the next sentence, before we scroll
17 down says, "I am writing this of my own free will
18 and no one has asked nor" -- and we'll have to go on
19 here. It says, "No one has asked nor threatened me
20 to do so."

21 Right?

22 A. Yes.

23 Q. And he says, "I have read some of the
24 statements made within the discovery/disclosures and
25 found it only right to speak up due to Timothy

1 Martinez' and Jason Wright's statements from March
2 10, 2014, are false"?

3 A. Yes.

4 Q. Right? So you know that Timothy Martinez
5 was one of the co-defendants or someone that's pled
6 guilty to the Javier Molina homicide?

7 A. Yes.

8 Q. Okay. And what Mr. Rodriguez is
9 purporting to say here is that his statements on
10 March 10th were false?

11 A. Correct.

12 Q. And an individual named Jason Wright's
13 statements were also false?

14 A. Right.

15 Q. Do you believe that that paragraph is
16 different or inconsistent with things Mario
17 Rodriguez has told you before?

18 A. Yes.

19 Q. The next paragraph here says, "Never once
20 did I witness/see Jerry Montoya in possession of any
21 sort of weapon or assault Javier Molina."

22 Did I read that part right?

23 A. You did.

24 Q. Okay. That's different or inconsistent
25 with things Mario Rodriguez has said before, right?

1 A. It is.

2 Q. The next line said, "I was in Javier
3 Molina's room and never seen any sort of drugs or
4 was" -- I'm not sure what that is -- "or Javier
5 Molina shooting up, as Timothy Martinez has
6 alleged."

7 I read that part right?

8 A. You did.

9 Q. Okay. That's different than what Mario
10 has told you?

11 A. Yes.

12 Q. The next sentence there, "There was food
13 being prepared/gathered in a brown canteen bag for a
14 spread (a prison term for a large pod meal). I was
15 also in Javier Molina's cell looking at tattoo work
16 I had done on" -- we'll go to the next -- "looking
17 at tattoo work that I had done on Javier Molina."

18 Right?

19 A. Um-hum.

20 Q. That's different than what Mario Rodriguez
21 has said before, isn't it?

22 A. It is.

23 Q. The next sentence here, "I was drug tested
24 the day I got to PNM North facility in Santa Fe and
25 came out clean for all drugs. At no time did I hear

1 footsteps or anyone call out the word 'rat.' I
2 would have definitely heard any such language, being
3 that term in prison is a word rarely used without
4 drawing all such attention."

5 So I think that's a sentence, although
6 there is a comma there, but did I read that part
7 right?

8 A. You did.

9 Q. That last half is different than what
10 Mario Rodriguez had said before, isn't it?

11 A. Correct.

12 Q. Then he says, "Also I'd like to note that
13 it'd be impossible for anyone to rush into a room
14 with anyone other than that room's occupants without
15 the rooms in Las Cruces prison being very
16 overcrowded. What I am saying is there is no room
17 for individuals to be going in and out of a room in
18 such a rush as the agents take and reports on the
19 camera footage."

20 Did I get that part?

21 A. You did.

22 Q. Okay. That's different than what he's
23 told before, isn't it?

24 A. I don't think I asked him about cells and
25 how many people could fit in there.

1 Q. All right. Fair enough. The next
2 sentence says, "At the bottom of the stairwell, I
3 heard Javier Molina yell to Jerry Montoya not to
4 come near him or else he'd hit him (punch him.)"

5 That part is different than what Mario
6 Rodriguez told you, isn't it?

7 A. Correct.

8 Q. And then we'll pick up the rest of the
9 letter here. Starting about there, "Javier Molina
10 was blocking the exit area of the stairwell. So
11 Jerry Montoya had no choice but to attempt to leave
12 the stairs going near Mr. Molina."

13 That sentence is different than what he's
14 told you?

15 A. It is.

16 Q. "Not at any point in time did I see any
17 sort of weapons or Mr. Montoya assault Mr. Molina."

18 That's also different?

19 A. It is.

20 Q. Much different?

21 A. It is.

22 Q. The last sentence, I think, "I will
23 testify to this statement under oath due to the
24 allegations made by Mr. Martinez and Mr. Wright
25 being false. End of statement."

1 Did I read that right?

2 A. Yes.

3 Q. And it's signed, "Mario Rodriguez." Do
4 you have any doubt that that's Mario Rodriguez'
5 signature?

6 A. I don't.

7 Q. Thank you, Agent Stemo.

8 I want to talk a little bit about Timothy
9 Martinez. Oh, I'm sorry. Before I move off the
10 subject of the letter, can you tell me if you know
11 how long the FBI had this letter in its possession
12 before you discovered it?

13 A. I think Agent Sainato told me he picked up
14 the box in the summer of 2017.

15 Q. So that would have been six, eight months
16 ago?

17 A. Correct.

18 Q. Okay. And it was not provided to the
19 United States -- well, let me ask you this: Do you
20 know when it was actually provided to the United
21 States Attorneys?

22 A. A copy of it was.

23 Q. I'm sorry. Do you know when a copy was
24 provided to the United States Attorneys?

25 A. I believe it was this past Sunday.

1 Q. Do you know if that was after the
2 Government had already rested its case and called
3 Mario Rodriguez in this trial?

4 A. I believe so.

5 Q. Okay. Now, let me talk to you about
6 Timothy Martinez. You know that Timothy Martinez is
7 working for the Government and has testified on
8 behalf of the Government, correct?

9 A. Correct.

10 Q. And you were present for an interview or
11 debrief of Mr. Martinez that took place on December
12 29, 2016?

13 A. I'd have to look at the report.

14 Q. Absolutely.

15 MR. VILLA: May I approach?

16 THE COURT: You may.

17 Q. Agent Stemo, is this a report -- it's
18 actually dated January 3rd of 2017. This is an FBI
19 report, right?

20 A. It is.

21 Q. And it says -- it discusses an interview
22 on December 29, 2016?

23 A. It does.

24 Q. Will you look at it and see if it
25 refreshes your recollection if you were present?

1 A. I will. I was.

2 Q. Is this an interview of Timothy Martinez?

3 Take your time.

4 A. It's redacted, so I can't really tell.

5 Q. I understand.

6 MR. VILLA: So, your Honor, I'd ask that
7 based on the previous understandings in this case
8 that the Government -- if the Government will agree
9 that this was Timothy Martinez?

10 MS. CASTELLANO: I'll have to take a look
11 at it, Your Honor.

12 THE COURT: All right.

13 MR. VILLA: Mr. Castellano, what's the
14 Bates number?

15 MS. CASTELLANO: It's 28257. I think this
16 is the report regarding Timothy Martinez.

17 THE COURT: All right. Is that sufficient
18 for you, Mr. Villa?

19 MR. VILLA: That is, Your Honor.

20 BY MR. VILLA:

21 Q. Agent Stemo, if you'd like to review the
22 contents a little bit more to satisfy yourself that
23 this was an interview of Mr. Martinez, by all means
24 just let me know. Let me ask you: You were present
25 for an interview of Mr. Martinez?

1 A. I was.

2 Q. And you weren't the primary interviewer,
3 were you?

4 A. I was not.

5 Q. The report that I showed you was actually
6 authored by Mark Myers?

7 A. Yes.

8 Q. He's an employee of the New Mexico
9 Corrections Department that was also working with
10 the FBI?

11 A. He was.

12 Q. And present at that interview of Mr.
13 Martinez was Agent Acee, correct?

14 A. Yes.

15 Q. And Mr. Myers, of course, was present?

16 A. He was.

17 Q. Now, I'll test your memory here a little
18 bit. Do you know that Mr. Martinez had, at the time
19 of this interview, been incarcerated at the Torrance
20 County Detention Facility?

21 A. I don't know when he was housed there, but
22 he was at one point in time.

23 Q. Okay. And in the course of this
24 interview, he never mentioned at any point in time
25 any statements that Rudy Perez made to him while

1 being incarcerated at the Torrance County Detention
2 Facility?

3 A. Not any that I remember.

4 Q. And if you'd like to look at the report,
5 I'm happy to show it to you. Do you need to look at
6 the report to help refresh your memory?

7 A. I do.

8 MR. VILLA: May I approach?

9 THE COURT: You may.

10 Q. Agent Stemo, have you finished reading the
11 report?

12 A. I have.

13 Q. How many pages is it?

14 A. Four.

15 Q. Did you have enough time to get through it
16 all?

17 A. I did.

18 Q. Does it help refresh your memory about
19 what Mr. Martinez said or didn't say?

20 A. It does.

21 Q. And you would agree with me that it
22 doesn't reflect anywhere in that report that Mr.
23 Martinez made any sort of statements to you guys
24 about something Mr. Perez said to him while they
25 were at the Torrance County Detention Facility?

1 A. I believe on this date, the interview was
2 conducted in two segments. One was pertaining to
3 green lights or threats towards other people; and
4 then one was pertaining to the Javier Molina
5 defendants. That 302 that you gave me pertains to
6 the threats.

7 Q. Okay. Can you tell me if, from your
8 memory, that Mr. Martinez said anything at all in
9 either two segments about a statement Mr. Perez
10 made?

11 A. Not that I remember off the top of my
12 head.

13 Q. Okay. So you don't remember. Let me back
14 up. You know that Mr. Martinez at one point was
15 incarcerated at the Torrance County Detention
16 Facility?

17 A. Yes.

18 Q. And he was incarcerated there before he
19 agreed to talk to you guys, correct?

20 A. Right.

21 Q. And after he agreed to talk to you guys,
22 he was then moved to a different place?

23 A. He was.

24 Q. Do you know that while he was at the
25 Torrance County Detention Facility, he was with Mr.

1 Perez?

2 A. I believe so.

3 Q. And you would agree with me that this
4 interview in December of 2016 was the first time Mr.
5 Martinez agreed to talk to the FBI?

6 A. I believe it was.

7 Q. So it was right after or soon after he was
8 moved out of the Torrance County Detention Facility?

9 A. Probably.

10 Q. Okay. But you know that after that period
11 of time, after that debrief, he never went back to
12 Torrance?

13 A. I don't know that for sure, but I'd assume
14 so.

15 Q. Okay. And you definitely don't remember
16 him ever saying that Mr. Perez told him that he had
17 to do his part for la familia, because everyone has
18 a part to play, even if it's just to keep your mouth
19 shut?

20 A. Not that I remember.

21 Q. Agent Stemo, you know who Billy Cordova
22 is, correct?

23 A. I do.

24 Q. And you know that Billy Cordova was opened
25 as a confidential human source or an informant by

1 the FBI sometime prior to January 2017?

2 A. Yes.

3 Q. And you know that he was closed as a
4 confidential human source or informant by the FBI
5 sometime in January of 2017?

6 A. Correct.

7 Q. But after that time, in April of 2017, he
8 was tasked with conducting consensual recordings of
9 Gabriel Valdivia, wasn't he?

10 A. He was.

11 Q. And that was an investigation that you
12 were overseeing?

13 A. I wouldn't say overseeing.

14 Q. Well, did you write an FBI 302 or FBI
15 report about Mr. Cordova's recordings of Mr.
16 Valdivia?

17 A. I did.

18 Q. And so you were involved in the
19 investigation?

20 A. I was.

21 Q. So I know you wouldn't say that you
22 oversee it, but how would you characterize your
23 involvement?

24 A. I received the recording device, and had
25 it downloaded. I also listened to it and made a

1 report from it.

2 Q. And, again, that was done in April 2017,
3 approximately three or four months after Mr. Cordova
4 was closed by the FBI?

5 A. I'd have to see the report for the exact
6 date.

7 MR. VILLA: May I approach, Your Honor?

8 THE COURT: You may.

9 A. Correct, April 2017.

10 Q. And April 2017 is, again, just two or
11 three months after Mr. Cordova was closed by the
12 FBI?

13 A. Correct.

14 MR. VILLA: May I have a moment?

15 THE COURT: You may.

16 MR. VILLA: I'll pass the witness.

17 THE COURT: Thank you, Mr. Villa.

18 Do any of the other defendants have direct
19 examination of Ms. Stemo?

20 MS. JACKS: I have a few questions.

21 THE COURT: All right. Ms. Jacks.

22 MS. JACKS: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. JACKS:

25 Q. Good afternoon, Agent Stemo.

1 A. Good afternoon.

2 Q. I just have a few questions about the
3 interviews that Mr. Villa talked to you about of
4 Mario Rodriguez on October 24, 2017, and again on
5 February 3, 2018.

6 A. Okay.

7 Q. Okay. Let me just -- just let me know if
8 you need to see the reports, because I have extra
9 copies here.

10 A. Okay.

11 Q. Okay? What I want to ask you about is on
12 October 24, 2017, when you spoke with Mario
13 Rodriguez, did you talk to him about the Molina
14 homicide?

15 A. I did.

16 Q. And, specifically, did you talk to him
17 about a person named Lupe Urquizo?

18 A. I'd have to see the report.

19 Q. Okay.

20 MS. JACKS: May I approach, Your Honor?

21 THE COURT: You may.

22 Q. It's nine pages, so take your time, and
23 let me know when you're ready.

24 A. Thank you. Okay.

25 Q. Are you ready?

1 A. Yes.

2 Q. So I think my question that was pending
3 was: Did you talk to him about an individual named
4 Lupe Urquizo in that interview?

5 A. Yes.

6 Q. From October 24th?

7 A. Yes.

8 Q. And Mr. Urquizo had been transferred down
9 to Southern New Mexico Correctional Facility on
10 March 6th of 2014?

11 A. I believe so.

12 Q. And during that interview on October 24th,
13 did Mr. Rodriguez ever tell you anything about
14 exchanging notes with Lupe Urquizo, the afternoon of
15 March 6, 2014?

16 A. He did not.

17 Q. And I want to ask you the same questions
18 about your February 3, 2018, interview with Mario
19 Rodriguez. Would you like to see that before I do
20 that?

21 A. Yes.

22 Q. Are you done?

23 A. I am.

24 Q. Agent Stemo, you had a chance to review
25 your report from February 3, 2018, right?

1 A. Yes.

2 Q. And that was an interview you had with Mr.
3 Rodriguez after the start of this trial, right?

4 A. Yes.

5 Q. Just before he was going to testify?

6 A. I'm not sure when he testified.

7 Q. During the course of that interview on
8 February 3rd of 2018, did Mr. Rodriguez tell you
9 anything about exchanging notes with Lupe Urquizo
10 the afternoon of March 6, 2014?

11 A. He did not tell me that personally. I
12 believe he told Agent Acee about that before.

13 Q. Okay. Is there anything in your report
14 regarding that?

15 A. No.

16 Q. Okay. So you have -- you believe there
17 was a conversation with Agent Acee?

18 A. Yes. I think I wasn't present for it.

19 Q. I'm sorry. On February 3rd?

20 A. No, at a prior date.

21 Q. Okay. Do you know what date that was?

22 A. I don't.

23 Q. And you're saying you were present? Or
24 you weren't present?

25 A. I believe I was.

1 Q. You believe you were?

2 A. Yes.

3 Q. Okay. And right now, can you tell us
4 approximately when you're thinking that might have
5 happened?

6 A. It could have been in November of 2017.

7 Q. Okay.

8 MS. JACKS: Thank you.

9 THE COURT: Ms. Jacks, are you done?

10 MS. JACKS: Well, I want to follow up on
11 that, perhaps, so I may not be done, depending on --

12 THE COURT: Okay.

13 MS. JACKS: Okay.

14 THE COURT: Would this be a good time to
15 break?

16 MS. JACKS: It's a good time to stop.

17 THE COURT: All right. I do want to
18 remind the jury of a few things that are especially
19 important. Until the trial is completed, you're not
20 to discuss this case with anyone, whether it's
21 members of your family, people involved in the
22 trial, or anyone else, and that includes your fellow
23 jurors. If anyone approaches you and tries to
24 discuss the trial with you, please let me know about
25 it immediately.

1 Also, you must not read or listen to any
2 news reports of the trial. Again, don't get on
3 internet and do any research for purposes of this
4 case.

5 And finally, remember that you must not
6 talk about anything with any person who is involved
7 in the trial, even if it doesn't have anything to do
8 with the trial.

9 If you need to speak with me, simply give
10 a note to one of the Court Security Officers or Ms.
11 Standridge.

12 I'll try not to repeat these tomorrow
13 morning. I may, as the day goes, depending on where
14 we are, repeat them in the afternoon. But when we
15 take breaks, do keep them in mind each time. We've
16 all done an excellent job of working hard on that,
17 so let's keep it up here as we bring the case to a
18 conclusion.

19 All right. I appreciate your hard work.
20 We'll see you at 8:30 in the morning. Y'all have a
21 good evening. Be safe in your travels.

22 All rise.

23 (The jury left the courtroom.)

24 THE COURT: All right. Y'all have a good
25 evening.

1 MS. FOX-YOUNG: Your Honor, we have one
2 issue.

3 THE COURT: I think we better bring it up
4 in the morning.

5 MR. VILLA: It's critical.

6 THE COURT: Well, I'll give you 15
7 seconds. Tell me how critical it is.

8 MS. ARMIJO: Your Honor, Agent Acee was on
9 the stand on Monday. We indicated that he was not
10 available on Wednesday. That's why we opposed them
11 interrupting their case. He is not available
12 tomorrow.

13 THE COURT: He needs to show up tomorrow.
14 Okay? We've got a trial going on. I don't know
15 what else is more important in Mr. Acee's life, but
16 he needs to be here.

17 All right. See you in the morning.

18 MS. FOX-YOUNG: Thank you, Your Honor.

19 (The Court stood in recess.)
20
21
22

23 February 27, 2018

24 THE COURT: All right. Good morning,
25 everyone. I appreciate everybody being here and

1 ready to go and on time.

2 Let me cover this issue with Juror Number
3 14, bring you up to date on that, and I think we're
4 probably at a close. I received some notes
5 yesterday afternoon, but we were so caught up on
6 some other things throughout the afternoon that I
7 was unable to kind of report them as they came in.

8 But Senior Inspector Luis Loya requested
9 time to brief me on the incident yesterday regarding
10 Juror Number 14, Cameron Johnston. And that came at
11 the end of the day, after we'd concluded court.

12 Earlier in the day, Ms. Standridge
13 noticed, witnessed, and heard Juror Number 12,
14 Bridget Murphy, and Juror Number 7, Stanley Dixon,
15 teasing Juror Number 14, Cameron Johnston, about the
16 handgun issue. Juror Number 14 did not respond to
17 either. He did ask if the Judge would be giving
18 him, quote, a "butt chewing."

19 Last night, when I talked to the
20 inspector, he indicated that the Police Services had
21 done their investigation. They think it's totally
22 innocent. They're not going to bring any charges.
23 They said the gun checked out. It was being
24 licensed. He's a concealed carry permit holder.
25 He's very embarrassed by it. He, as far as they can

1 tell and as far as they concluded, it was purely an
2 oversight on his part, putting it in his bag and
3 bringing it here.

4 So from the Federal Police Services, it's
5 a closed incident, and I think it is for the
6 Marshals, as well.

7 All right. Ms. Fox-Young, you had
8 something you need to raise as far as a discovery
9 issue?

10 MS. FOX-YOUNG: Your Honor, I do. I don't
11 know if any of the counsel wanted to address that
12 matter with the juror first? It looked like Ms.
13 Jacks was getting up.

14 MS. JACKS: Can I confer with Ms.
15 Fox-Young, please?

16 THE COURT: Certainly.

17 MS. FOX-YOUNG: Your Honor, I guess I'll
18 take up the issue of the juror first. I don't have
19 the transcript in front of me, but it's my
20 recollection that the Court informed the parties
21 yesterday that Ms. Standridge had given the juror
22 direction not to discuss this matter with the other
23 jurors, and that he had made the representation that
24 he hadn't and wouldn't.

25 And clearly now, based upon the notes that

1 have been provided to the Court and what the Court
2 has just informed the parties, that didn't happen.

3 THE COURT: Why do you conclude that?
4 There's nothing that I said that's inconsistent with
5 it. When he was teased about it, he did not
6 respond.

7 MS. FOX-YOUNG: Well, I guess I don't know
8 how any of the other jurors knew about it, if he
9 hadn't informed them.

10 THE COURT: Well, we knew yesterday, when
11 I told that you that there were jurors and FPDs down
12 there when he was pulled out of line and sent back
13 to the car. So I don't know how they know. I
14 haven't gone any further than that.

15 MS. FOX-YOUNG: So I guess it just isn't
16 clear at this point whether or not they know based
17 upon the fact that he told them or that they
18 observed it.

19 THE COURT: It's clear, from what we
20 understand from the juror, that he has not talked to
21 anybody about it. So his representations to us are
22 -- and Ms. Standridge can confirm what she's seen --
23 he did not respond when he was teased by the jurors.

24 MS. FOX-YOUNG: Okay, Your Honor. Well,
25 with that clarification, I'll move on. I can't speak

1 for the other counsel.

2 But I would like to raise this discovery
3 matter briefly with the Court. On the 25th, which I
4 believe was Sunday, counsel received an email from
5 the Government regarding a bag of property that had
6 apparently belonged to Mario Rodriguez. And the
7 representation from Ms. Armijo, as forwarded to her
8 from her agents at the FBI, was that Agent Sainato
9 had had these documents under his desk since
10 approximately July of last year, and they had
11 actually been obtained through STIU from the
12 Penitentiary of New Mexico.

13 And back in the summer, there had been
14 several SNM members who had property still at PNM,
15 and the FBI had been apprised of that by NMCD
16 officials; and that Agent Sainato had ended up with
17 these documents under his desk, although of course
18 he is a member of the prosecution team, the
19 Corrections Department officials are members of the
20 prosecution team, including Mr. Cupit, who was
21 involved.

22 They hadn't looked at these documents.
23 That's the representation from the Government.

24 Yesterday, the Court will recall that
25 Agent Stemo testified about the letter that was

1 included in that batch of documents from Mario
2 Rodriguez, and that's Exhibit FU -- FV. Excuse me,
3 Your Honor. And that exhibit was admitted through
4 Agent Acee.

5 That document, as Agent Stemo
6 acknowledged, is absolutely contradictory to other
7 statements that Mr. Rodriguez made on the stand and
8 that he has made to the Government. It's clearly
9 exculpatory information.

10 Agent Stemo's testimony is something along
11 the lines of, she ultimately did review these
12 materials before returning them, before planning to
13 return them to Mr. Rodriguez.

14 Our question now is: What else is in this
15 bag of materials? Why wasn't it produced to the
16 defense? Why was this single document only produced
17 after the Government had rested and after Mario
18 Rodriguez had already taken the stand?

19 And so we had asked the Government to
20 produce all of these documents. Immediately upon
21 receiving this email on February 25th, I made that
22 request. I didn't receive a response. I made
23 subsequent requests. I asked that the Government
24 perform a Brady and Giglio review of the documents
25 if they weren't going to produce all of them.

1 I finally received a response yesterday,
2 and the Government has indicated this morning that
3 the documents will be provided and that they are
4 copying them.

5 My concern is, I don't understand how a
6 bag of documents from one of the Government's main
7 testifying informants didn't make its way to the
8 defense. I think it's likely all Rule 16.

9 Certainly we already know about one
10 document that has exculpatory information in it, and
11 it's far too late for this stuff to be produced, and
12 it absolutely prejudices the defense. And so I
13 think we need immediate production. We need an
14 opportunity to review it and an opportunity to
15 re-call witnesses who we may need to recall.

16 You know, and the Court will recognize
17 perhaps that is something of a remedy, but when the
18 Government has already rested its case and we've
19 completed cross-examination of these witnesses, it
20 really prejudices the defense when we haven't had
21 the opportunity to even review these materials
22 which, you know, if we get them today, we will
23 attempt to review them immediately. But as I stand
24 here, they have not yet been produced.

25 And I'd also ask that if the FBI or NMCD

1 or anybody else on the prosecution team, including
2 the prosecutors, are in possession of other property
3 for these cooperating witnesses, including writings
4 and other statements, that that immediately be
5 produced.

6 Thank you, Your Honor.

7 THE COURT: All right. Mr. Beck, do you
8 have a response?

9 MR. BECK: I do, Your Honor.

10 The documents were looked through one
11 time. They were looked through again February 23rd.

12 THE COURT: Who looked through these?

13 MR. BECK: Originally, I believe sometime
14 in the summer, late summer of 2017, Special Agent
15 Sainato and Task Force Officer Cupit looked through
16 the paperwork and these documents.

17 THE COURT: Has an attorney from your
18 office looked through them?

19 MR. BECK: I reviewed quickly the
20 documents last night. And that's why they're being
21 copied and produced.

22 THE COURT: Do you have them up here now?
23 I should say down here.

24 MR. BECK: Down here.

25 THE COURT: Do you have them?

1 MR. BECK: Yes. So the box of
2 documents -- so going back a little bit, on February
3 23rd when they were looked through, I think, as
4 Special Agent Stemo testified yesterday, she
5 recognized that the document was important and
6 contradictory to some of the testimony or previous
7 statements of Mr. Rodriguez.

8 As soon as she recognized that, the FBI
9 alerted us. We alerted the defense. We produced
10 that report, and they were able to use it with
11 Special Agent Acee, and now Special Agent Stemo.

12 The rest of the documents in the property
13 file were brought to our office in Las Cruces
14 yesterday. As soon as we had them, last night after
15 we finished, I briefly looked through the documents.
16 There was a journal in there. Based on -- the
17 journal had entries, I think, reflecting times when
18 Mr. Rodriguez was a juvenile.

19 Based on my review of it, we asked Special
20 Agent Sainato to make copies of all of the documents
21 in that folder as quickly as possible so that we may
22 produce them to the defense immediately.

23 That being said, I don't believe that they
24 are exculpatory. I don't believe they're Rule 16.
25 I don't believe they're Brady/Giglio documents. But

1 because they may -- I could see an argument for some
2 of them being useful to the defense or Brady/Giglio,
3 is why out of an abundance of caution I asked the
4 United States -- I asked Agent Sainato to make
5 copies of those and make them available as soon as
6 possible. He is currently making copies of those
7 documents at the FBI -- I don't know what's it
8 called -- branch office down here in Las Cruces.
9 That's not the official term for it.

10 But that is down the road a little ways.
11 As soon as those copies are made, he's bringing them
12 to the Court for the defendants to use.

13 THE COURT: So this will be everything
14 that's in this basket or bag?

15 MR. BECK: All of the documents in the
16 bag. There may be -- it's a bag inside of a box.
17 And so all of the documents are being copied. I
18 don't remember offhand; I think there were some
19 other materials in there, objects, but I don't
20 believe that -- we're not going to copy those. And
21 there were -- I think as Nancy Stemo testified, as
22 far as we can tell, to our knowledge, there was no
23 weapon or drugs in that box, which is why Ms. Stemo
24 I think said she reviewed it originally.

25 The document from Mr. Rodriguez that was

1 entered into evidence with Special Agent Acee, about
2 which Special Agent Acee and Special Agent Stemo
3 testified about, there is an argument that it is
4 exculpatory. But given the testimony in court,
5 vigorous cross-examination, it's the United States'
6 position that it's not material. So there has not
7 been a Brady/Giglio violation as to that.

8 THE COURT: Well, Ms. Fox-Young, do you
9 see, given what the Government is doing and what
10 you're going to get today, do you see anything else
11 I can really do at the present time until you get
12 these documents?

13 MS. FOX-YOUNG: Yes, Your Honor. I think,
14 first of all, there's no question that that document
15 is material, and I won't spend a lot of time on that
16 unless the Court wants --

17 THE COURT: Let's focus on --

18 MS. FOX-YOUNG: And I am focusing, Your
19 Honor.

20 THE COURT: Let's focus on what -- is
21 there something I need to do before we bring the
22 jury in?

23 MS. FOX-YOUNG: Your Honor, I think you
24 need to order the Government to make immediate
25 production. I asked for these documents immediately

1 on the 25th. It is now the 28th. The Government
2 has acknowledged that there is at least an argument
3 that some of the documents are exculpatory.

4 THE COURT: Hold on just a second. What
5 time of day do you think these documents are going
6 to be produced?

7 MR. BECK: I expect that they'll be here
8 sometime this morning, as quickly as the FBI can
9 make copies. So the United States doesn't oppose
10 the Court ordering us to produce them immediately.

11 THE COURT: Okay. It will be so ordered.

12 MS. FOX-YOUNG: And further, Your Honor, I
13 think the Court, given under Kyles v. Whitley, these
14 agents are absolutely member of the prosecution
15 team, there's no explanation for why these documents
16 sat for months and months and months.

17 THE COURT: All right.

18 MS. FOX-YOUNG: And just one more thing.
19 I'd like the Court to order --

20 THE COURT: No, you're arguing, you know,
21 your motion to dismiss.

22 MS. FOX-YOUNG: It'll take me -- no, it's
23 not, Your Honor. I'm asking for relief.

24 THE COURT: Well, I gave you a chance.

25 MS. FOX-YOUNG: On the other documents.

1 THE COURT: All rise.

2 (The jury entered the courtroom.)

3 THE COURT: Good morning, ladies and
4 gentlemen. I appreciate you being back and ready to
5 go and on time. I appreciate all you're doing for
6 us and the way you've gone about your task. You're
7 a great bunch to work with, and we appreciate it
8 very much.

9 All right. Ms. Stemo, you're still under
10 oath.

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: Ms. Jacks, if you wish to
13 continue your direct examination of Ms. Stemo, you
14 may do so at this time.

15 MS. JACKS: Thank you. I do. I was
16 almost done yesterday.

17 NANCY STEMEO,
18 after having been first duly sworn under oath,
19 was questioned and testified as follows:

20 DIRECT EXAMINATION (Continued)

21 BY MS. JACKS:

22 Q. Good morning, Ms. Stemo.

23 A. Good morning.

24 Q. So yesterday when we broke, we were
25 talking about whether Mario Rodriguez had ever told

1 you, or members of the FBI in your presence, prior
2 to this trial, that he had exchanged notes with Lupe
3 Urquizo on the afternoon of March 6, 2014. Do you
4 recall those questions?

5 A. I do.

6 Q. And at the end of the day, you said that
7 it was sort of in your mind that maybe Mr. Rodriguez
8 had told you that -- I think you said he didn't tell
9 you that in the October 24, 2017, interview, right?

10 A. Correct.

11 Q. And we also reviewed the 302 that you
12 prepared from the February 3, 2018, interview?

13 A. Correct.

14 Q. And he didn't tell you that during that
15 interview?

16 A. No, he didn't.

17 Q. But at the end of the day, you said maybe
18 there was something that related to that in one of
19 the other interviews you participated in?

20 A. Correct.

21 Q. So you got here a little bit early this
22 morning, right?

23 A. I did.

24 Q. And did you have a chance to review the
25 FBI 302s from three additional interviews with Mario

1 Rodriguez?

2 A. I did.

3 Q. And specifically, did you review the
4 11-page 302 dated November 1st, 2017?

5 A. I did.

6 Q. And the two-page 302 dated November 14,
7 2017?

8 A. Yes.

9 Q. And the one-page 302 dated January 22,
10 2018?

11 A. Yes.

12 Q. And were those all interviews of Mario
13 Rodriguez prior to this trial?

14 A. They were.

15 Q. And were they all interviews concerning,
16 at least in part concerning the circumstances
17 surrounding the Molina homicide?

18 A. They were.

19 Q. And based on your -- when you reviewed
20 those 302s, did those refresh your memory about what
21 had been discussed with Mr. Rodriguez on those three
22 dates?

23 A. They did.

24 Q. And I guess now I want to re-ask the
25 question. So on any of those three dates did Mr.

1 Rodriguez tell you that he exchanged notes with Lupe
2 Urquizo on the afternoon of March 6, 2014, after
3 Urquizo was transferred to Southern?

4 A. No, he didn't. I think I was remembering
5 Lupe Urquizo telling us that.

6 Q. Okay.

7 MS. JACKS: Thank you. I have nothing
8 further.

9 THE COURT: Thank you, Ms. Jacks.

10 Mr. Lowry? Ms. Duncan? Ms. Bhalla? Mr.
11 Maynard? Anybody? All right. Mr. Castellano? Oh,
12 are you going to do some?

13 MR. LOWRY: Yes, Your Honor.

14 THE COURT: All right. Mr. Lowry.

15 MR. LOWRY: Just a quick question.

16 THE COURT: All right. Mr. Lowry.

17 was questioned and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. LOWRY:

20 Q. Good morning, Ms. Stemo.

21 A. Good morning.

22 Q. Did you audio-record any of the interviews
23 you had or attended with Mr. Rodriguez or other
24 cooperators in this case?

25 A. I don't think I did. I believe the

1 meeting between Mario Rodriguez and Ronald Sanchez
2 was recorded.

3 Q. Okay. And how many interviews do you
4 think you attended in the course of this
5 investigation?

6 A. That's hard to say. A couple dozen.

7 Q. Aside from that one interview, were any
8 attempts made to record the other interviews?

9 A. I don't think so.

10 Q. Why not?

11 A. We're not required to do so unless it's
12 post-Miranda, right after they've been arrested.

13 Q. Would it have provided everybody in this
14 room a better record to understand what transpired
15 at those meetings if they were audio-recorded?

16 A. It could have.

17 MR. LOWRY: No further questions, Your
18 Honor.

19 THE COURT: Thank you, Mr. Lowry.

20 All right. Mr. Castellano, do you have
21 redirect of Ms. Stemo?

22 MR. CASTELLANO: Yes, Your Honor.

23 THE COURT: Mr. Castellano.

24 MR. CASTELLANO: Thank you, sir.

25

1 REDIRECT EXAMINATION

2 BY MR. CASTELLANO:

3 Q. Good morning, Agent Stemo.

4 A. Good morning.

5 Q. And had you recorded these things, is it
6 possible that we would have more evidence of guilt
7 reflected in the recordings, as opposed to just
8 relying on notes and reports?

9 MS. JACKS: Objection, calls for
10 speculation.

11 THE COURT: Sustained.

12 BY MR. CASTELLANO:

13 Q. Now, yesterday for part of your
14 examination they had Mr. Rodriguez' picture up here.
15 And are you familiar with Mr. Rodriguez?

16 A. I am.

17 Q. How are you familiar with him?

18 A. I've interviewed him a couple of times.

19 Q. And had you seen him before in court
20 before he decided to debrief and cooperate with the
21 Government?

22 A. I had.

23 Q. Has your perception of him changed from
24 before you met him and after you met him?

25 MS. JACKS: Objection, relevance.

1 THE COURT: Overruled.

2 A. It did change. He'd seemed more relaxed,
3 like a burden had been lifted, after he decided to
4 cooperate.

5 Q. And were you there when he first decided
6 to cooperate?

7 A. I was.

8 Q. What was his demeanor like?

9 A. Initially, he seemed aggressive and tough;
10 but after a couple of hours of the interview, he
11 started to cry and was very emotional about his
12 decision to cooperate.

13 Q. And so over time, has your perception of
14 him changed?

15 A. It has.

16 Q. You were asked about your report and this
17 statement about Rudy Perez being scared. Do you
18 remember that?

19 A. I do.

20 Q. And the statement that he was down for
21 whatever, as long as it wasn't him?

22 A. Yes.

23 Q. Now, in your notes did you write down
24 anything other than "Rudy is scared"?

25 A. I don't think I did.

1 Q. So when you wrote that down, did Mr.
2 Rodriguez give you any description of how Mr. Perez
3 looked?

4 A. No.

5 Q. And, for example, are you aware from the
6 recordings that Mr. Perez said he was actually sick
7 on that day?

8 A. Not personally, no.

9 Q. Have you heard that recording?

10 A. No.

11 Q. So other than that, did he provide any
12 description of Mr. Perez' demeanor, what he looked
13 like, what his facial expression was?

14 A. He did not.

15 Q. Do you also recall from the statements
16 that Mr. Rodriguez gave you, that when he first
17 walked into Jerry Montoya's cell with a shank in his
18 hand, Jerry Montoya raised his hands?

19 A. He did.

20 Q. And did he also appear scared?

21 A. I believe so.

22 Q. Are you aware -- obviously you're familiar
23 with this case now, so you know that even though Mr.
24 Montoya had an initial reaction, he participated in
25 the murder of Javier Molina?

1 A. He did.

2 Q. I want to ask you about this exhibit.
3 It's I believe, Defendants' FV, Foxtrot-Victor. And
4 in a second, I'll use the visualizer here. I'm
5 putting my own copy in here because I marked it up.
6 I didn't want to mark the Defendants' exhibit. This
7 is a copy of FV.

8 So first of all, when this document was
9 discovered this weekend in Mr. Rodriguez' property,
10 what significance did it have to you?

11 A. I knew that his writing contradicted a lot
12 of what he told me initially.

13 Q. Now, let's put this in chronological
14 order. If this is dated October 16, 2014, if it was
15 made on that date, this would be a statement he made
16 before he spoke to you; is that correct?

17 A. Correct.

18 Q. So if this was found in his property --
19 and the property, what was it doing in the box? Was
20 it basically personal property belonging to Mr.
21 Rodriguez?

22 A. Pretty much, yes.

23 Q. Was that personal property that was
24 initially stored at the Corrections Department?

25 A. Correct.

1 Q. And you were returning the item to Mr.
2 Rodriguez or to the Corrections Department. Is that
3 when you decided to make sure you looked at the box,
4 to make sure there wasn't any contraband in there?

5 A. Yes.

6 Q. And then when you found this document, it
7 had significance to you because it was something
8 different from what Mr. Rodriguez told you?

9 A. Correct.

10 Q. But in terms of the order of time, this
11 was actually written in 2014, and he gave statements
12 to you later than that, correct?

13 A. Correct.

14 Q. Actually, in the fall of last year?

15 A. Yes.

16 Q. So looking at this document, is it clear
17 to you that statements in here -- and we'll go
18 through them one at a time -- statements in here you
19 know are not true from what you know about this
20 investigation?

21 MR. VILLA: Objection, Your Honor, as to
22 what is true and isn't true.

23 THE COURT: Yeah, I don't think that she
24 probably ought to be the one answering that.

25 MR. CASTELLANO: I'll rephrase, Your

1 Honor.

2 BY MR. CASTELLANO:

3 Q. Okay. So let me start here in the portion
4 I have highlighted. There is an indication that:
5 "Martinez and Jason Wright's statements from March
6 10th, 2014, are false. Never once did I witness/see
7 Jerry Montoya in possession of any sort of weapon or
8 assault Javier Molina."

9 Now, having spoken to Mr. Rodriguez in the
10 fall of last year when he decided to cooperate, did
11 he tell you something different?

12 A. He did.

13 Q. And, in fact, did he tell you that Jerry
14 Montoya had any weapon in his hand?

15 A. He did.

16 Q. And when he decided to cooperate, did he
17 also tell you that in fact there was an assault on
18 Javier Molina?

19 A. Correct.

20 Q. And that he was part of it?

21 A. Yes.

22 Q. And given the fact this was found in his
23 personal property, did you have any indication that
24 he ever sent this to anybody?

25 A. No, it happened to be an original.

1 Q. So have you found this in any other place
2 other than his personal property that was sitting in
3 a box?

4 A. No.

5 Q. Turning to the next statement, so in other
6 words, this statement would have been made a
7 statement before he cooperated?

8 A. Correct.

9 Q. And it would have been made -- if it's
10 made in October of 2014, this is still when the
11 state case was pending?

12 A. Correct.

13 Q. Okay. Looking at the next statement I've
14 highlighted on this exhibit, it says: "Also, I'd
15 like to note that it'd be impossible for anyone to
16 rush into a room with anyone other than that room's
17 occupants without the rooms in Las Cruces prison
18 being very overcrowded."

19 Now, after he decided to cooperate, did
20 Mr. Rodriguez tell you something different than
21 that?

22 A. Yes.

23 Q. What did he tell you?

24 A. He said that he, Timothy Martinez, and
25 Javier Molina were all in Javier Molina's cell.

1 Q. So, in fact, by his own admission they all
2 fit into that cell in some way?

3 A. They did.

4 Q. Okay. I'm turning to the third part I've
5 highlighted on this exhibit where it states, "Not at
6 any point in there did I see any sort of weapons or
7 Mr. Montoya assault Mr. Molina. I will testify to
8 this statement under oath due to the allegations
9 made by Martinez and Mr. Wright being false."

10 After he decided to cooperate, did he tell
11 you something different than that?

12 A. He did.

13 Q. What did he tell you in terms of -- let's
14 start with any weapons possessed by Mr. Montoya or
15 Mr. Montoya assaulting the victim?

16 A. I believe me told me that he saw Mr.
17 Montoya stabbing Mr. Molina inside of Mr. Molina's
18 cell.

19 Q. In fact, he was part of that conspiracy,
20 was he not?

21 A. He was.

22 Q. So when he said, "I will testify to the
23 statement under oath," did he testify to this
24 statement under oath?

25 A. I believe -- the one in the letter?

1 Q. Yes.

2 A. I believe he did not.

3 Q. Even though you know the statements in
4 here aren't true, this is still significant to you
5 because you knew it would be something that the
6 defense attorneys would want; is that true?

7 MR. VILLA: Objection to the form of the
8 question stating that the statements aren't the
9 truth.

10 THE COURT: Well, I think I understand the
11 question. Overruled.

12 A. Yes.

13 Q. So under those circumstances, then, did
14 you make sure that it was turned over immediately to
15 the defense attorneys?

16 A. Yes.

17 Q. And is this -- now, isn't this letter
18 consistent with kind of the scheme these guys had
19 going when it was still a state case?

20 A. I believe so.

21 MR. VILLA: Objection.

22 THE COURT: What's the objection?

23 MR. VILLA: Well, I think that it calls
24 for an opinion that is essentially for the jury to
25 decide whether these statements are consistent with

1 what others have testified or said.

2 THE COURT: Well, let's let the jury make
3 these determinations.

4 MR. CASTELLANO: Sure, Your Honor.

5 BY MR. CASTELLANO:

6 Q. Are you aware of other letters sent by
7 other cooperators, and specifically letters sent by
8 Jerry Armenta to Jerry Montoya's attorney?

9 A. I haven't read them, but I've heard of
10 them.

11 Q. And are you aware, through what you've
12 heard of them, that that was a means of Mr. Armenta
13 taking the responsibility for the charges when it
14 was a state case?

15 MR. VILLA: Objection, calls for hearsay.

16 THE COURT: Well, she isn't familiar with
17 the letters, so I think we'd better just let this
18 go.

19 Sustained.

20 BY MR. CASTELLANO:

21 Q. Going back to this date, October of 2014,
22 that was still a state prosecution and not a federal
23 case, correct?

24 A. Correct.

25 Q. And, in fact, this case wasn't even

1 indicted until December of 2015?

2 A. Correct.

3 Q. Yesterday you were asked about a statement
4 by Timothy Martinez in which he indicated that Rudy
5 Perez told him something. Do you remember that?
6 About the shanks?

7 A. I do.

8 Q. And then there was talk about him being at
9 Torrance County Detention Center and then being
10 moved after that?

11 A. Yes.

12 Q. Do you know why people were moved after
13 they decided to cooperate?

14 A. It's unsafe for cooperators to be housed
15 with defendants.

16 Q. At that point, if it became known that
17 Timothy Martinez had cooperated, he could be put in
18 harm's way?

19 A. He could.

20 Q. And so under these circumstances, every
21 time somebody decided to cooperate, were they then
22 removed from any facilities where -- or moved
23 separately from any facilities where pending
24 defendants were?

25 A. Yes.

1 Q. You were also asked about Billy Cordova in
2 this recording in April of 2017 of Gabriel Valdivia.
3 Do you remember that?

4 A. I do.

5 Q. How did that come about? Because you said
6 you oversaw it, but it didn't sound like it was
7 necessarily an FBI operation. What were the
8 circumstances of how that recording came about?

9 A. I believe personnel from the New Mexico
10 Department of Corrections had information that Mr.
11 Valdivia was talking to Mr. Cordova. They requested
12 a recording device from the FBI because they don't
13 have any of their own, so we provided one to them.
14 After the recordings were made, they turned it over
15 to me, and I processed that evidence into our
16 evidence and then made a report from it.

17 Q. Okay. So that was basically at the
18 Corrections Department's request?

19 A. Correct.

20 Q. And at that point, Billy Cordova wasn't
21 even working as a confidential human source for the
22 FBI?

23 A. Correct.

24 Q. Did the FBI compensate him for that?

25 A. We did not.

1 Q. And did those recordings capture
2 incriminating statements by Mr. Valdivia?

3 A. They did.

4 Q. Now, when it comes to debriefs and
5 interviewing people, do you know everything that
6 they know after you finish meeting with them, even
7 if it's for a few hours?

8 A. No.

9 Q. And why is that?

10 A. I don't think it's possible to get every
11 piece of information from someone in a couple of
12 hours.

13 Q. And even if someone is debriefed, let's
14 say three or four times, is there still more
15 information to be had?

16 A. Yes.

17 Q. And as we got closer to the actual trial
18 of this particular case, did the evidence or the
19 interviews become more specific and pointed at this
20 case?

21 MS. JACKS: Objection, leading.

22 THE COURT: Overruled.

23 A. They did.

24 Q. You were also asked about the exchange of
25 notes between Mr. Rodriguez and Mr. Urquizo. Do you

1 remember that?

2 MS. JACKS: Objection, misstates the
3 questions. The questions were about what people
4 said about the exchange of notes.

5 THE COURT: I'll let you deal with it on
6 redirect.

7 BY MR. CASTELLANO:

8 Q. Did you understand the point? That will
9 be my question. Go ahead and answer it.

10 A. Yes.

11 Q. So what do you recall about Mr. Urquizo
12 telling you?

13 MS. JACKS: Objection, beyond the scope.

14 THE COURT: Overruled.

15 A. I remember --

16 MS. JACKS: Objection, vague as to time.

17 THE COURT: Overruled.

18 A. Mr. Urquizo stated that Mario Rodriguez
19 had either shown a note over the door, because Mr.
20 Urquizo wanted to have somebody else hit at the same
21 time that the Javier Molina hit was supposed to
22 happen, in which Mr. Rodriguez basically apologized
23 that they needed to move quickly, and therefore the
24 individual Mr. Urquizo wanted to have hit wouldn't
25 be hit.

1 Q. So it's your understanding that there was
2 an exchange of communication between the two?

3 A. Yes.

4 MS. JACKS: Objection, calls for a
5 conclusion. The question was what he said, not what
6 actually happened.

7 THE COURT: Overruled.

8 Q. Is that your understanding, ma'am?

9 A. Yes.

10 Q. So you were asked what Mr. Rodriguez told
11 you, so I want to cover some of that information. I
12 don't need the specific number. Do you remember
13 approximately how many times you've now sat down
14 with Mr. Rodriguez to interview him?

15 A. Approximately five.

16 Q. And did those all start in the fall of
17 last year, the October/November timeframe?

18 A. Yes.

19 Q. So when you talked to him, did he give
20 information only about the Molina murder?

21 A. No.

22 Q. So starting in October, did he provide
23 information to you about other people named Samuel
24 Silva and Arturo Garcia, for example?

25 A. He did.

1 Q. Did he also mention any rival gang members
2 from Los Carnales gang?

3 A. I believe he did.

4 Q. If you're not sure, I can refresh your
5 recollection with the report.

6 A. Yes, please.

7 MR. CASTELLANO: May I approach, Your
8 Honor?

9 THE COURT: You may.

10 Q. Agent Stemo, after having reviewed the
11 report --

12 MS. JACKS: Your Honor, I would object.
13 This line of questioning appears to be eliciting
14 hearsay. Mr. Rodriguez testified.

15 MR. CASTELLANO: I'm not asking what was
16 said. I was asking about whether he gave
17 information about particular topics, Your Honor.

18 THE COURT: Well, let's see what the
19 question is, and then we can deal with any
20 objection.

21 BY MR. CASTELLANO:

22 Q. So the question was whether or not he also
23 discussed with you rival gang members from Los
24 Carnales gang?

25 A. He did.

1 MS. JACKS: I would object as, A, calling
2 for hearsay or based on hearsay; but also, B, what's
3 the relevance if he provided information on some
4 topic.

5 THE COURT: Overruled.

6 BY MR. CASTELLANO:

7 Q. Agent Stemo, the defense attorneys asked
8 you a lot of information about what Mario Rodriguez
9 did or didn't say, so let me ask you some more
10 questions about this. Did he tell you about the
11 assault on Robert Esparza over a \$900 drug debt?

12 A. Yes.

13 Q. So that was information that actually came
14 from him?

15 A. Yes.

16 Q. Did he also talk to you about the Alex
17 Sosoya assault?

18 A. He did.

19 Q. And his role in it, as well as Robert
20 Martinez' role?

21 A. Yes.

22 Q. Did he explain to you why the assault
23 happened?

24 A. Yes.

25 Q. Including how he prepared any weapons for

1 that assault?

2 A. He did.

3 Q. Now, as far back as October 24th of 2017,
4 did he provide you information about the Javier
5 Molina homicide?

6 A. He did.

7 Q. Did he also know Javier Molina was Crazy?

8 A. I believe so.

9 Q. Was that an a/k/a for him?

10 A. Yes.

11 Q. Did he provide any information about Mr.
12 Baca's feelings about rats --

13 A. Yes.

14 Q. -- and what should be done with them?

15 A. They should be killed.

16 Q. Did he provide you information about how
17 the paperwork got to the Southern New Mexico
18 Correctional Facility?

19 A. I believe he did.

20 Q. Do you remember if he mentioned the names
21 Cheech and Mr. Calbert?

22 A. Yes.

23 Q. And did he tell you what happened to the
24 paperwork once it arrived at the facility?

25 MR. LOWRY: Objection, hearsay, Your

1 Honor.

2 THE COURT: Well, are you trying to elicit
3 this out-of-court statement? And if you are, what
4 purpose are you trying to elicit it for?

5 MR. CASTELLANO: No, Your Honor. This is
6 specifically responsive to the defense indicating
7 what Mr. Rodriguez did not tell the FBI.

8 THE COURT: Well, I'm going to allow him
9 to answer the question just to determine the
10 credibility of the witness, but you can't consider
11 this statement that's being offered for the truth of
12 the matter. You can only use it in determining the
13 truthfulness of the witness that has testified
14 earlier in the trial.

15 BY MR. CASTELLANO:

16 Q. So did he provide information to you about
17 what happened to the paperwork once it arrived at
18 the facility?

19 A. Yes.

20 Q. Including his own role in the Molina
21 homicide?

22 A. He did.

23 Q. And Mr. Herrera's role in the homicide?

24 A. Yes.

25 Q. And Mr. Sanchez'?

1 A. Yes.

2 Q. And did he tell you about any discussions
3 he had with Mr. Sanchez about the homicide?

4 A. He did.

5 Q. And who should be picked to commit the
6 murder?

7 A. I believe so.

8 Q. Did he tell you how Timothy Martinez got
9 involved?

10 A. He did.

11 Q. Did he talk to you about the discussion
12 about whether or not the cameras should be covered
13 or not?

14 A. He did.

15 Q. And whose decision that was? Did he tell
16 you that?

17 A. He did.

18 Q. Did he explain to you how the pieces came
19 from the walker belonging to Rudy Perez?

20 A. He did.

21 Q. And did he indicate to you that he ever
22 said anything at all to Rudy Perez?

23 A. I don't think so.

24 Q. So not a word?

25 A. Not that I remember.

1 Q. And we don't need to worry about what was
2 said. Actually, was Mr. Perez meeting with somebody
3 before Mr. Rodriguez arrived, from what he told you?

4 A. He was.

5 Q. Who was he meeting with?

6 A. Mr. Daniel Sanchez.

7 MS. JACKS: Calls for hearsay. This isn't
8 inconsistent with the witness' testimony.

9 THE COURT: Well, do you have -- do you
10 have a transcript, either one of you, so that I can
11 make that determination?

12 MS. JACKS: Well, I would say that's on
13 the person offering the evidence.

14 THE COURT: Well, you're making the
15 objection. So find the transcript.

16 MS. JACKS: I'll find it.

17 THE COURT: And let's bring it up here to
18 the Court if you're going to make that objection.

19 MR. CASTELLANO: I'll move forward while
20 she's doing that, Your Honor.

21 THE COURT: All right.

22 BY MR. CASTELLANO:

23 Q. And from the discussion, did you learn how
24 close Rudy Perez was to the inner pod door where the
25 note was passed?

1 A. Yes.

2 Q. Was there discussion of Mr. Rodriguez
3 telling Mr. Martinez to go get high before this
4 happened?

5 A. There was.

6 Q. And how there might have been any change
7 of plan by Mr. Martinez about how Mr. Molina would
8 be incapacitated?

9 A. Yes.

10 Q. And is it true that Mr. Rodriguez actually
11 told you he's the person who made the shanks?

12 A. Yes.

13 Q. Did he also tell you what happened to the
14 shanks after the Molina murder?

15 A. I believe he told me what happened to one
16 of the shanks.

17 Q. And did he tell you what was supposed to
18 happen to each of the shanks after the murder?

19 A. He did.

20 Q. Did he tell you about any discussions he
21 had with Mr. Baca following the murder and regarding
22 the topic of paperwork?

23 A. Yes.

24 Q. I want to go back, take a step back for a
25 second. On the day that Mr. Rodriguez decided to

1 cooperate with the Government, are you aware of
2 whether or not he had any shanks with him?

3 A. He did.

4 Q. How did you become aware that he had
5 shanks?

6 A. He volunteered that information.

7 Q. And when he volunteered that information,
8 was there any indication that since he was
9 cooperating, he should no longer carry those
10 shanks?

11 A. Yes.

12 Q. Did he agree to do that?

13 A. He did.

14 Q. And did he in fact turn over the shanks to
15 the Marshal Service on that date?

16 A. He did.

17 Q. And where were those shanks concealed?

18 A. In his rectum.

19 Q. And isn't it true that he also told you
20 that he came to court with the shanks?

21 A. He did.

22 Q. Pretty much any time he came to court?

23 A. He did.

24 MS. JACKS: Your Honor, I can respond to
25 the Court's inquiry at this time.

1 THE COURT: All right. Ms. Jacks.

2 MS. JACKS: It's the transcript of
3 February 7, 2018, at page 192, beginning at line 11,
4 going through the end of page 194.

5 THE COURT: All right. We'll read it.

6 MS. JACKS: I'm sorry?

7 THE COURT: Read it.

8 MS. JACKS: Out loud to the jury?

9 THE COURT: Yes.

10 MS. JACKS: Well, I'd prefer not to do
11 that.

12 THE COURT: Bring it to the bench, then.
13 Bring me a copy.

14 (The following proceedings were held at
15 the bench.)

16 MS. JACKS: I don't have hard copies of
17 the transcript. Do you want to see it?

18 MR. CASTELLANO: I was asking who was
19 there first.

20 MS. JACKS: Right, and it comes -- I'm
21 just showing it to him.

22 MR. CASTELLANO: Show it directly to the
23 Judge. I appreciate that.

24 THE COURT: After you look at it --

25 MR. CASTELLANO: She can show it to you

1 now, Your Honor.

2 THE COURT: Do you need me to rephrase
3 your question, or do you want a ruling?

4 MR. CASTELLANO: I'll --

5 MS. JACKS: If Mr. Sanchez was talking to
6 Mr. Perez prior to him; and if so, what Mr.
7 Castellano was trying to ask was not impeaching what
8 Mr. Rodriguez testified to during this trial.

9 THE COURT: So do you agree this is the
10 statement that we're trying to impeach?

11 MR. CASTELLANO: I do, Your Honor. What
12 I'm saying is, once again the defense highlighted
13 what wasn't in the reports. Getting the information
14 that he actually did provide to the FBI.

15 MS. JACKS: My point is, it's improper for
16 the Government to go over everything a witness said
17 with this case agent unless they can show it's
18 either a prior inconsistent statement or if it's a
19 prior consistent statement. The purpose of the case
20 agent is not to simply repeat everything the
21 informant told her.

22 MR. CASTELLANO: You can bolster that if
23 credibility has been attacked, and clearly it has.

24 THE COURT: Tell me what I'm looking at
25 here. Is that your question?

1 MS. JACKS: No, this is Mr. Castellano's
2 direct of Mario Rodriguez, and what he's beginning
3 to ask him is about how he got the piece from Mr.
4 Perez' walker.

5 MR. CASTELLANO: I didn't question Mr.
6 Rodriguez, Your Honor.

7 MS. JACKS: Well, the Government.

8 THE COURT: Hold on. Don't talk. Let me
9 read it so I can understand.

10 MS. JACKS: You're going to have to page
11 through it. It's multiple pages, unfortunately.

12 THE COURT: Okay. How do you get your
13 page to move?

14 MS. JACKS: There are some arrow keys, and
15 I think if you just press down. Did it work? Let
16 me try. Let's do it this way. If you just click
17 right there, Your Honor, I believe it will work as
18 long as the arrow is down in that little --

19 THE COURT: Well, why don't you click it
20 for me. I'm not getting it to work.

21 MS. JACKS: This is the specific area.

22 THE COURT: You think this is it?

23 MS. JACKS: Well, I think right here is
24 the specific area Mr. Castellano was just inquiring
25 about.

1 THE COURT: Okay. Now, what are you
2 trying to elicit from Ms. Stemo?

3 MR. CASTELLANO: It's only in a summary
4 fashion. What I asked was who was there first,
5 having a conversation, and whether or not Mr.
6 Rodriguez said anything whatsoever to Rudy Perez.

7 THE COURT: Well, I don't see that that is
8 -- at least in this segment here, I don't see that
9 that would be either consistent with something he
10 said or impeaching what he said earlier, so I'll
11 sustain the objection on that question.

12 MR. CASTELLANO: Sure. I'll rephrase.

13 MS. JACKS: And there was an answer, so
14 I'd ask it be stricken. The answer was "Mr.
15 Sanchez." Because he asked: Who did he tell you
16 was talking to Mr. Perez prior?

17 THE COURT: Let me see it.

18 MR. CASTELLANO: And that would be
19 consistent.

20 MS. JACKS: But it doesn't meet the
21 criteria for prior consistent statement whatsoever.

22 THE COURT: I just don't think this
23 segment -- if the Government has got a different
24 segment that it's going on -- hold on.

25 So you think when he said "Mr. Daniel

1 Sanchez," that was a statement by the witness?

2 MS. JACKS: Yes, Your Honor.

3 THE COURT: All right. How do you want to
4 reference it for the jury?

5 MS. JACKS: I mean, I guess the reason
6 that I'm up here and trying to make this point is, I
7 think the Court should put an end to the Government
8 standing up here and doing exactly this, contrary to
9 the Rules of Evidence. So in terms of this one, I'm
10 not sure there is a good way to fix it at this
11 point.

12 THE COURT: Okay.

13 MS. JACKS: In terms of any sort of future
14 violations of the same sort, I think the Government
15 should be warned not to elicit hearsay unless they
16 have a good faith basis. And given their
17 performance, they should have to establish it
18 outside the presence of the jury.

19 THE COURT: Well, if we're trying to
20 bolster the witness with a prior consistent
21 statement, then make sure that there was an
22 inconsistent statement before you do it, and this
23 would be one at a time.

24 MR. CASTELLANO: We can, Your Honor. We
25 will take them one at a time. And of course the

1 defense is saying his entire testimony, all of the
2 statements are inconsistent. But I understand the
3 Court's ruling.

4 MS. JACKS: And in my defense, I only
5 asked Ms. Stemo about -- very limited sort of
6 questions regarding Mr. Rodriguez, regarding the
7 note. We didn't make a full-blast attack on this
8 witness.

9 THE COURT: I'm telling the Government,
10 before they ask a question, they need to be having
11 in mind and be ready to defend a prior inconsistent
12 statement if they're going to come back and turn it
13 into consistent statements.

14 MR. CASTELLANO: In addition, many of
15 these aren't even statements. I asked about certain
16 topics that he discussed with them, without saying
17 what was said.

18 THE COURT: Well, I might need to sustain
19 the outside the scope, then, if we're going to go
20 there, because it's not really relevant to the
21 direct examination. So I think probably if you're
22 going to go through this, you're just going to have
23 to have firmly in mind some inconsistent statement
24 of Mr. Rodriguez that you're coming back and trying
25 to offer some prior consistent statement to bolster.

1 If you can't link it up, I think we probably
2 shouldn't be doing this.

3 MR. CASTELLANO: Understood, Your Honor.

4 MR. LOWRY: Your Honor, may I be heard?
5 Your Honor, again, I'm going to point out that we
6 didn't elicit any of this testimony at all. And for
7 the United States to try to bolster the credibility
8 of its witness by soliciting comments about Mr. Baca
9 was uncalled for, and I'd ask the Court to strike
10 all of the testimony at this time.

11 THE COURT: Well, if we can identify where
12 he talked about Mr. Baca.

13 MR. LOWRY: Mr. Castellano asked her if
14 she recalled comments about Mr. Baca, about
15 snitches, and she said: Yes, he wanted snitches
16 killed.

17 THE COURT: And if you can do like
18 Ms. Jacks did and find that that is not a consistent
19 statement, I'll take a look at it. Do you want me
20 to do anything?

21 MS. JACKS: I'd ask the Court strike it
22 from the record. But in terms of instructing the
23 jury, no.

24 THE COURT: I'll strike Ms. Stemo's answer
25 about Daniel Sanchez.

1 MR. VILLA: And, Your Honor, yesterday on
2 direct, I elicited inconsistent statements from Mr.
3 Rodriguez, very limited to the statements about Mr.
4 Perez; and when he made that statement, if he was in
5 fear. I didn't get into any of this stuff in terms
6 of the scope.

7 THE COURT: Well, I'm defining what the
8 Government is going to be able to do here.

9 MS. BHALLA: Sorry, Your Honor. Very
10 quickly. We didn't ask any questions of this
11 witness, to avoid this very problem. So just for
12 the record, we would object to that line of
13 questioning, as well.

14 Thank you.

15 (The following proceedings were held in
16 open court.)

17 THE COURT: All right. Mr. Castellano?

18 MR. CASTELLANO: Thank you, Your Honor.

19 BY MR. CASTELLANO:

20 Q. Okay. So in addition to the information
21 he gave you on the Molina homicide, did he give you
22 information about the SNM in general?

23 A. He did.

24 Q. On November 1st, 2017, there was an
25 11-page report. Attached to that report, was there

1 something else provided to you by Mr. Rodriguez?

2 A. Yes.

3 Q. And did he basically handwrite -- let me
4 see -- ten pages worth of notes to share with the
5 agents?

6 A. He did.

7 Q. And in those ten pages of notes, did he
8 also provide information about the Javier Molina
9 murder?

10 A. I believe he did.

11 Q. Okay. Turning back to Government's
12 Exhibit FV, what was inconsistent between the
13 statements of Mr. Rodriguez when it came to Timothy
14 Martinez's role in the Molina homicide?

15 MR. VILLA: Objection, asked and answered.

16 THE COURT: Overruled.

17 MR. LOWRY: Your Honor, I'm going to
18 object on behalf of Mr. Baca as beyond the scope of
19 direct examination of Ms. Stemo and ask for a
20 limiting instruction as to all of this testimony.

21 THE COURT: Well, what tie to the direct,
22 what came up in direct that I guess --

23 MR. CASTELLANO: Well, the whole letter is
24 part of the direct, Your Honor.

25 THE COURT: Yeah, that's true.

1 MR. CASTELLANO: And it also refers to
2 prior inconsistent statements alleged by the
3 defense.

4 THE COURT: All right. Are you going to
5 elicit any statements about Mr. Baca?

6 MR. CASTELLANO: Not unless there's
7 something inconsistent with what's in the letter,
8 Your Honor.

9 THE COURT: All right.

10 MR. LOWRY: May I be heard? Mr. Baca
11 didn't bring up this letter at all.

12 THE COURT: I understand. I'm trying to
13 deal with your first objection.

14 So if, to be truthful in answering any of
15 the questions that Mr. Castellano is going to ask
16 you, you need to mention Mr. Baca, just alert him,
17 and then I'll bring counsel up here and we'll see
18 what's going on.

19 All right. Mr. Castellano.

20 MR. CASTELLANO: Thank you, Your Honor.

21 BY MR. CASTELLANO:

22 Q. So let me take a look at this statement
23 here. Okay. So in terms of prior inconsistent
24 statements, once again, was there an indication --
25 the letter says that he never saw Jerry Montoya in

1 possession of any sort of weapon or assault Javier
2 Molina. Did Mr. Rodriguez tell you something
3 different than that?

4 A. He did.

5 Q. What was it?

6 MR. VILLA: This has been asked and
7 answered.

8 THE COURT: Overruled.

9 A. I believe he stated he provided Mr.
10 Montoya with the shank; observed Mr. Montoya stab
11 Mr. Molina; and then he disposed of Mr. Montoya's
12 shank after the stabbing occurred.

13 Q. Where did he dispose --

14 MS. JACKS: Your Honor, I'm going to
15 object because the statements that Agent Stemo is
16 relating are not prior inconsistent statements.
17 They're statements made after this letter was
18 written.

19 THE COURT: Well, then what basis do you
20 have to bring these in, Mr. Castellano?

21 MR. CASTELLANO: Well, Exhibit FV would be
22 the prior inconsistent statement, Your Honor.

23 THE COURT: Well, I understand. It was
24 written earlier than the statements that are being
25 talked about here. So I think I'll sustain.

1 MS. JACKS: Will the answer be stricken,
2 please?

3 THE COURT: That answer will be stricken.

4 BY MR. CASTELLANO:

5 Q. Going back to this, do you in fact know
6 that this was written before Mr. Rodriguez met with
7 you?

8 A. If you go by the date that he provided on
9 the letter.

10 Q. In addition, did this come from the
11 Corrections Department property?

12 A. It did.

13 Q. And so did you have this statement, or the
14 FBI had this statement, prior to the time that you
15 met with Mr. Rodriguez and he cooperated?

16 A. I believe so.

17 Q. Why did Mr. Rodriguez cooperate?

18 A. I believe --

19 MS. JACKS: Objection, calls for
20 speculation.

21 THE COURT: Well, you can ask the
22 question, does she have an understanding, what was
23 her thought as to why he did it, but she can give
24 her thoughts. But you probably can't ask the
25 question that way.

1 MR. CASTELLANO: I'll rephrase.

2 MS. JACKS: Your Honor, no disrespect
3 meant to Agent Stemo, but what she understood or
4 what she thinks about that is not relevant to this
5 proceeding.

6 THE COURT: Well, it may be. We'll wait
7 until the follow-up questions. Overruled.

8 BY MR. CASTELLANO:

9 Q. After sitting down and talking with Mr.
10 Rodriguez, what was your understanding of why he
11 cooperated?

12 MS. JACKS: Same objection, calls for a
13 conclusion based on hearsay.

14 THE COURT: I've overruled these
15 objections.

16 A. He was tired of the lifestyle.

17 Q. And was he tired of carrying a weapon all
18 the time?

19 A. He was.

20 MS. JACKS: Objection, Your Honor. That
21 appears to be based on hearsay.

22 THE COURT: Sustained.

23 MS. JACKS: Can the answer be stricken?

24 THE COURT: It will be stricken.

25 MS. JACKS: Can counsel be admonished to

1 stop intentionally eliciting hearsay?

2 THE COURT: No. You can make objections
3 when the question is improper.

4 BY MR. CASTELLANO:

5 Q. I'm almost done here, Agent Stemo. Let me
6 just check my notes.

7 MR. CASTELLANO: May I have a moment, Your
8 Honor?

9 THE COURT: You may.

10 MR. CASTELLANO: Thank you. Thank you,
11 Your Honor. I pass the witness.

12 THE COURT: Thank you, Mr. Castellano.
13 Mr. Villa.

14 MR. VILLA: Thank you, Your Honor.

15 THE COURT: Mr. Villa.

16 REDIRECT EXAMINATION

17 BY MR. VILLA:

18 Q. Good morning, Agent Stemo.

19 A. Good morning.

20 Q. You just testified that Mr. Rodriguez told
21 you the reason he cooperated was because he was
22 tired of the life?

23 A. Yes.

24 Q. But isn't it true that he also said that
25 one of the reasons he cooperated was that the SNM

1 was so fucked up and there's no loyalty?

2 MR. CASTELLANO: Objection, calls for
3 hearsay.

4 THE COURT: Well, it seems to me that
5 you're doing the same thing that you were objecting
6 to Mr. Castellano doing.

7 MR. VILLA: Well, no, Your Honor. I think
8 this is elaborating on the testimony that she just
9 gave about what Mr. Rodriguez told her.

10 THE COURT: Sustained.

11 BY MR. VILLA:

12 Q. Do you agree with me that right before Mr.
13 Rodriguez cooperated, his trial on the Sosoya case
14 was a couple weeks from starting?

15 A. I believe it was a week away.

16 Q. A week away?

17 A. I think so.

18 Q. And the Sosoya case was an assault that
19 Mr. Rodriguez was charged with?

20 MR. CASTELLANO: Objection, beyond the
21 scope.

22 THE COURT: Overruled.

23 Q. Yes?

24 A. Correct.

25 Q. And he was charged along with Baby Rob or

1 Rob Martinez?

2 A. He was.

3 Q. And Rob Martinez was going to testify
4 against Mario Rodriguez, wasn't he?

5 A. He was.

6 Q. You've talked about how, when you
7 interviewed Mr. Rodriguez, that it felt like -- it
8 looked like he had a burden lifted, right?

9 A. Yes.

10 Q. This is the October 24th interview that
11 you did?

12 A. Yes.

13 Q. The first one?

14 A. Yes.

15 Q. And he began to cry as he talked about
16 cooperating and those sorts of things?

17 A. Yes.

18 Q. He was emotional?

19 A. He was.

20 Q. And that was the interview in which he
21 told you that when he took the piece from Mr. Perez '
22 walker, Mr. Perez looked scared?

23 A. Yes.

24 Q. And you understood that when Mr. Rodriguez
25 was telling you that, it wasn't about necessarily

1 something Mr. Perez said to him, but the way he
2 viewed Mr. Perez' demeanor?

3 A. We didn't discuss why he said Mr. Perez
4 was scared.

5 Q. I see. Okay. And you testified that I
6 think you've figured out you interviewed Mr.
7 Rodriguez about five times?

8 A. I think so.

9 Q. And so just to make sure that the answer
10 stays the same from yesterday -- because I think we
11 talked about two or three times -- never did Mr.
12 Rodriguez waver from the statement he made to you
13 about Mr. Perez being in fear?

14 A. No, he never brought that up to me.

15 Q. Now, about this burden that Mr. Rodriguez,
16 it was lifted from him, is the way you described it.
17 Before he agreed to work for the Government, he was
18 facing a life sentence, wasn't he?

19 A. I believe so.

20 Q. And after he agreed to work for the
21 Government, he entered into a plea agreement which
22 he wouldn't have to face that life sentence if the
23 Government files a motion?

24 A. I believe so.

25 Q. That's a pretty big burden to be lifted

1 from, isn't it?

2 A. Yes.

3 Q. You testified on cross-examination about
4 some -- about your notes?

5 A. Yes.

6 Q. Are those your handwritten notes from your
7 interviews with Mr. Rodriguez?

8 A. Yes.

9 Q. Do those notes still exist?

10 A. Yes.

11 Q. And have those notes been provided to the
12 United States?

13 A. Yes.

14 Q. Do you know if those notes have ever been
15 provided to the defense?

16 A. I don't know.

17 Q. Would it surprise you to learn that they
18 have not?

19 A. I guess not.

20 Q. That wouldn't surprise you?

21 A. I don't know what they turn over and
22 what --

23 MR. CASTELLANO: Don't testify.

24 THE COURT REPORTER: I'm sorry?

25 THE COURT: Well, don't testify. You can

1 ask her questions, and we'll deal with any discovery
2 issues later.

3 BY MR. VILLA:

4 Q. Okay. I just want to clarify your
5 testimony. Would it surprise you to learn that the
6 defense has not received your notes?

7 A. No, I don't know what they disclose and
8 what they don't.

9 Q. Okay. And understanding that you didn't
10 look through Mr. Rodriguez' box in which you
11 discovered Exhibit FV until this weekend, that box
12 was in the possession of the FBI since at least last
13 summer?

14 A. Correct.

15 Q. And according to Exhibit FV -- and if you
16 need to see it again, we'll pull it up -- Mr.
17 Rodriguez was saying he was going to testify to
18 those things under oath?

19 A. That's my understanding.

20 Q. And that's what he wrote in the letter?

21 A. Yes.

22 Q. And I think you testified that you knew at
23 that time, October 2014, the date of the letter, the
24 state proceedings were still underway?

25 A. I believe so.

1 Q. And so Mr. Rodriguez says in this letter
2 that he would testify under oath, referring to the
3 state proceedings?

4 A. Yes.

5 Q. Now, you testified about how Mr. Rodriguez
6 told you about his assault on Mr. Esparza for the
7 drug debt?

8 A. Yes.

9 Q. And how he told you about his role in the
10 Sosoya assault?

11 A. He did.

12 Q. And how he had prepared weapons for the
13 Javier Molina assault?

14 A. Yes.

15 Q. And his role in the Javier Molina assault?

16 A. Yes.

17 Q. When he was telling you about these
18 assaults that he did or that he played a role in,
19 was he excited about it?

20 A. No.

21 Q. Did he ever take -- did he ever apologize
22 for what he did to these men?

23 A. I don't think he did in front of me.

24 Q. Did you ever make a determination for
25 yourself that he wouldn't commit acts of violence

1 like he did against these three men ever again?

2 A. No, I wouldn't say that.

3 Q. You can't be sure, can you?

4 A. I can't, no.

5 Q. You were asked by Mr. Castellano if you
6 learned or if Mr. Rodriguez testified about where
7 Mr. Perez' cell was in relationship to the inner pod
8 door where this alleged paperwork was passed?

9 A. Yes.

10 Q. But Mr. Rodriguez never told you that Mr.
11 Perez saw anything like that happen, did he?

12 A. No, he didn't.

13 Q. And you don't have any information from
14 Mr. Rodriguez that he told Mr. Perez anything at all
15 about paperwork?

16 A. No.

17 Q. Or that Mr. Perez even knew who the target
18 of the piece that was taken from his walker actually
19 was, at the time the piece was taken?

20 A. Correct.

21 MR. VILLA: May I have a moment?

22 THE COURT: You may.

23 MR. VILLA: No further questions.

24 THE COURT: Ms. Jacks, do you have
25 redirect of Ms. Stemo?

1 MS. JACKS: I do, Your Honor.

2 THE COURT: Ms. Jacks.

3 REDIRECT EXAMINATION

4 BY MS. JACKS:

5 Q. Good morning again, Ms. Stemo.

6 A. Good morning.

7 Q. I just have a few topics I want to cover
8 with you based on Mr. Castellano's questions. And
9 I'm probably going to go basically in the order that
10 he went.

11 A. Okay.

12 Q. Mr. Castellano asked you some questions
13 about Mario Rodriguez crying and becoming emotional.
14 Do you recall that?

15 A. Yes.

16 Q. Would you agree with me that just because
17 someone cries or becomes emotional, that doesn't
18 mean that they're telling the truth, does it?

19 A. Not necessarily.

20 Q. Okay. So people can cry and be emotional
21 and still lie?

22 A. I suppose so.

23 Q. And you're aware, aren't you, that Mr.
24 Rodriguez was convicted of an offense that requires
25 him to register as a sex offender, if and when he's

1 released from prison?

2 MR. CASTELLANO: Objection, beyond the
3 scope.

4 MS. JACKS: This goes to his state of mind
5 and why he might be emotional, Your Honor.

6 THE COURT: Overruled.

7 A. Yes.

8 Q. And in your conversations -- well, not
9 only -- you didn't just talk with Mr. Rodriguez, did
10 you? I mean, you also performed some sort of
11 background investigation regarding him, didn't you?

12 A. Yes.

13 Q. Okay. And in dealing with Mr. Rodriguez,
14 both in your conversations with him and in what you
15 discovered in looking at his background and his
16 history, did you become aware that this fact that he
17 had to register as a sex offender was something that
18 was very disturbing and upsetting to Mr. Rodriguez?

19 A. I don't think I discussed that incident
20 with him, so I don't know if he was disturbed or not
21 when he discussed it with other agents.

22 Q. Okay. Did he ever, in your presence,
23 discuss the fact that that was something that was of
24 concern to him, this fact that he had to register?

25 A. I don't think we discussed that.

1 Q. Okay. And did you ever look at the
2 multiple petitions for writs of habeas corpus he
3 filed in regard to that sex conviction to try to
4 invalidate the conviction so he didn't have to
5 register?

6 A. I didn't see those.

7 Q. You're not aware of those?

8 A. No.

9 Q. Okay. During any of your interactions
10 with Mr. Rodriguez did you hear Agent Acee discuss
11 with him that one result of his becoming a
12 Government witness could be that he'd get a new
13 identity with a new criminal record?

14 A. I don't think I was at that initial
15 meeting.

16 Q. Can we have Exhibit F, as in Frank, V as
17 in Victor. Ms. Stemo, this is the letter that you
18 were asked some questions about yesterday?

19 A. Yes.

20 Q. And this is the letter that you actually
21 brought to the attention of the Government on
22 Sunday?

23 A. I believe it was Agent Sainato that did.
24 I brought it to his attention.

25 Q. Okay. You found the letter and brought it

1 to Sainato's attention, because he had actually been
2 in possession of it; is that right?

3 A. Yes.

4 Q. And Sainato had been in possession of this
5 letter since July, June or July of 2017?

6 A. I was just told summer of 2017.

7 Q. You don't know exactly when?

8 A. No.

9 Q. But the FBI -- somebody at the FBI had
10 possession of this letter prior to any of your
11 interviews with Mario Rodriguez, right?

12 A. Correct.

13 Q. And during your five or so interviews with
14 Mr. Rodriguez, was he ever confronted with this
15 letter and asked about it?

16 A. No. We didn't find it until after.

17 Q. Well, somebody had it, right? FBI Agent
18 Sainato had it?

19 A. Correct.

20 Q. But he didn't make you aware of it
21 until -- well, he never made you aware of it?

22 A. Correct.

23 Q. Just sort of by happenstance, you ran
24 across it?

25 A. Yes.

1 Q. So I guess my question -- I want to go
2 back. During your interviews with Mr. Rodriguez,
3 was he ever confronted with the statements in this
4 letter?

5 A. No.

6 Q. Was he ever asked whether he wrote this
7 letter in preparation to lie on the witness stand?

8 A. No.

9 Q. And are you aware -- were you present here
10 in court the days that Mr. Rodriguez testified
11 before this jury?

12 A. I haven't been in the courtroom, as a
13 witness.

14 Q. That's right. That's right. So -- and
15 you haven't been reading the transcripts of Mr.
16 Rodriguez' testimony?

17 A. No.

18 Q. Do you know whether he was asked during
19 this trial whether he participated, along with Jerry
20 Armenta and Jerry Montoya and Timothy Martinez, in
21 making up a story about the Molina murder so that
22 they could get out of or reduce their criminal
23 liability in the state case?

24 A. I could assume they were, but I don't know
25 that for a fact.

1 Q. Do you know whether Mr. Rodriguez admitted
2 doing that on the witness stand that you're sitting
3 in right now?

4 MR. CASTELLANO: Objection, calls for
5 speculation.

6 THE COURT: Well, it's a yes/no question.
7 If she doesn't know, she can say she doesn't know.

8 A. I don't know that.

9 Q. Okay. Can we have Exhibit 757, please.
10 Agent Stemo, have you seen this letter before? And
11 if you need me to make any part of it bigger. This
12 is a letter that Jerry Armenta wrote to Jerry
13 Montoya, that was intercepted at the prison while
14 the state case was pending. Have you ever seen that
15 letter before?

16 A. No.

17 Q. Okay. Mr. Castellano asked you some
18 questions about -- let me go back for a second. Do
19 you know that this letter was produced as part of
20 the discovery in this case?

21 A. I don't know that.

22 Q. Do you recall the questions that Mr.
23 Castellano asked you about Mr. Rodriguez telling you
24 during a debrief that when he tried to hand the
25 shank to Jerry Montoya, that Mr. Montoya raised his

1 hands?

2 A. Yes.

3 Q. I want to direct you to a portion of this
4 letter. Can we make it bigger? I mean smaller.
5 Let's go just for the top third of the letter and
6 enlarge it.

7 Do you see three lines down, the sentence
8 starting "But"? "But I had to tell the truth about
9 how it all went down, from you picking up your hands
10 when Blue handed you your piece to the threats of
11 your life."

12 Do you see that?

13 A. I do.

14 Q. Would you agree with me that the person
15 who wrote this letter wrote that Jerry Montoya had
16 to pick up or picked up his hands when Blue handed
17 him the shank?

18 A. Yes.

19 Q. And are you aware that Mr. Armenta
20 testified about this letter, that he wrote this
21 letter at least in part to try to communicate pieces
22 of his story to Jerry Montoya?

23 A. I don't know that.

24 Q. Okay. And can we enlarge -- I mean, make
25 the letter smaller? Do you see that Bates stamp on

1 the bottom, U.S. versus DeLeon, et al., 2350?

2 A. Yes.

3 Q. Is that how materials that are disclosed
4 in discovery in this particular case are designated
5 by the Government?

6 A. Yes.

7 Q. And so that means that it's page 2350 of
8 the discovery in this case?

9 A. Correct.

10 Q. And the discovery in this case has been
11 provided to Mr. Rodriguez on a computer tablet,
12 correct?

13 A. Yes.

14 Q. And he's had the ability to read and to
15 have it in his cell for as much time as he wants
16 while the case has been pending?

17 A. I don't know about the length of time
18 they're allowed to have it, but they are given
19 access to it.

20 Q. To the discovery on the tablet?

21 A. Yes.

22 Q. Now, Mr. Castellano asked you some
23 questions about the handwritten notes that Mr.
24 Rodriguez prepared for your meeting on November 1st,
25 2017. Do you recall those questions?

1 A. Yes.

2 Q. And did Mr. Rodriguez prepare those notes
3 prior to meeting with you and Agent Acee?

4 A. Yes.

5 Q. And during the course of your interview,
6 did you read those notes and ask him about them?

7 A. I don't think I read them during the
8 interview.

9 Q. After the interview, did you read them?

10 A. Yes.

11 Q. And if you need to see the notes, let me
12 know. But my question to you is the same about the
13 questions with respect to the 302 reports of your
14 interviews with Mario Rodriguez. In those notes,
15 did Mr. Rodriguez say anything about exchanging
16 notes with Lupe Urquizo on March 6, 2014, in the
17 afternoon?

18 A. Not that I remember. I'd have to read the
19 notes.

20 Q. Okay. Do you want me to get -- I want you
21 to be accurate, so I'll bring them up.

22 MS. JACKS: Your Honor, I have Bates pages
23 51522 to 51531. May I approach the witness and show
24 them to her?

25 THE COURT: You may.

1 BY MS. JACKS:

2 Q. And there are some markings on here, Agent
3 Stemo. Those are mine, so I would just ask you to
4 ignore them. Just let me know when you're done.

5 A. Thank you. I'm finished.

6 Q. Thank you, Agent Stemo. I appreciate you
7 taking your time doing that. After you've had a
8 chance to review those notes, can you answer the
9 question? And the question was whether in those
10 notes Mr. Rodriguez said anything about exchanging
11 notes with Lupe Urquizo or showing notes to Lupe
12 Urquizo on the afternoon of March 6, 2014.

13 A. He did not.

14 Q. Now, Mr. Castellano asked you some
15 questions about whether it's possible to get --
16 basically, to download everything from a person's
17 brain in a debrief, and I think you said that you
18 can't do that; you can't find out everything a
19 person knows in a few hours' time?

20 A. Correct.

21 Q. Right? But would you agree with me that
22 when you're investigating a case and you're
23 interviewing a witness about a particular incident,
24 that one of the reasons that you make a report of
25 what was said during that interview is so that you

1 can track over time whether the witness is
2 consistent about the things that he's telling you
3 about, or whether his story changes over time?

4 A. Yes.

5 Q. So you would agree that you try to be as
6 thorough as possible and ask the witness -- in this
7 particular instance, Mr. Rodriguez -- everything you
8 can think of regarding the crime that you're
9 investigating?

10 A. Yes.

11 Q. And then try to document that as
12 accurately as possible?

13 A. Correct.

14 Q. And when you ask a witness questions in a
15 formal FBI interview, do you ask leading questions,
16 or do you ask open-ended questions that invite the
17 witness to remember things and tell you things that
18 you maybe don't already know?

19 A. We try to ask open-ended questions.

20 Q. To sort of download as much information as
21 you can from the witness?

22 A. Yes.

23 Q. And then do you also try to ask the
24 witness questions about things you already know the
25 answers to, maybe, to ascertain whether he's telling

1 the truth?

2 A. Yes.

3 Q. So prior to this trial, in total how many
4 hours do you think the FBI, yourself and other
5 agents included, spent downloading or debriefing Mr.
6 Rodriguez about what he says happened around the
7 time of the Molina homicide?

8 A. Ballpark, around 10 or 15.

9 Q. And were the interviews -- were any of the
10 interviews cut short because of some sort of
11 emergency or some sort of reason that you didn't
12 anticipate?

13 A. No. I'd say we had to return him to his
14 facility.

15 Q. At night, he would have to go back to
16 jail?

17 A. Yes.

18 Q. And you could then have him come back the
19 next day, right?

20 A. Sometimes.

21 Q. Or you could go out to the jail, like you
22 did at least once, to talk to him, right?

23 A. Yes.

24 Q. And in your experience, do you think that
25 human memory gets better with time, or does it tend

1 to fade with time?

2 A. I think it depends on the person.

3 Q. In preparing -- well, let's go back. The
4 other thing that we talked about or you were asked a
5 little bit about yesterday is about how you're
6 trained in the FBI Academy to prepare reports and to
7 be as thorough as possible?

8 A. Yes.

9 Q. And is the idea that when you're preparing
10 the report, you want to document every fact of
11 significance that a witness has told you, so that
12 you have a record of that?

13 A. Yes.

14 Q. And so that you have in your hands
15 evidence that you could use to rebut the charge that
16 somebody has made something up?

17 A. Correct.

18 Q. Or also to rebut the charge that somebody
19 has talked to somebody else and now is including
20 what that other person says as part of what they
21 claim to remember?

22 A. Yes.

23 Q. Now, specifically in connection with the
24 events that Mr. Rodriguez told you or that he said
25 supposedly happened around the time of the Molina

1 murder, did you make efforts to corroborate that by
2 comparing his story to things that you knew to be
3 true?

4 A. Yes.

5 Q. What did you -- well, let me ask you this:
6 Did you compare what Mr. Rodriguez told you about
7 the events of March 6th and 7th, 2014, with
8 transportation records from the Department of
9 Corrections?

10 A. I personally did not.

11 Q. Did you compare what he told you about the
12 events of March 6th and 7th, 2014, with housing
13 records from the Southern New Mexico Correctional
14 Facility?

15 A. I personally did not.

16 Q. Did you compare what he told you about the
17 events of March 6th and 7th, 2014, with logs from
18 the correctional officers that were staffing that
19 Unit 1-A at the Southern New Mexico Correctional
20 Facility?

21 A. I did not.

22 Q. And Mr. Castellano asked you some
23 questions about the story that Mr. Rodriguez told
24 you about the passing of this paperwork from a guy
25 named Cheech to David Calbert?

1 A. Yes.

2 Q. Do you recall those questions?

3 A. I do.

4 Q. And Cheech -- do you know Cheech to be an
5 individual by the name of Joe Martinez?

6 A. Yes.

7 Q. And Joe Martinez is somebody that's been
8 in and out of New Mexico correctional institutions
9 for a long time, right?

10 A. Yes.

11 Q. Did you -- well, let me ask you this: Do
12 you know whether Joe Martinez, Cheech, was in
13 custody between April 11, 2013, and February 10th of
14 2016?

15 A. I don't know that.

16 Q. You have seen offender physical location
17 histories prepared by the New Mexico Department of
18 Corrections, right?

19 A. Yes.

20 Q. And if I showed you -- do you know how to
21 read them?

22 A. Yes.

23 Q. It took me a while. So if I showed you
24 the offender physical location history for Joe
25 Patrick Martinez, might that enable you to refresh

1 your memory and answer the question as to whether he
2 was in custody on those dates?

3 A. Yes.

4 Q. Okay.

5 MS. JACKS: May I approach, Your Honor?

6 THE COURT: You may.

7 Q. I have an exhibit that has been previously
8 marked as Defendants' Exhibit V-16, V as in Victor.

9 Agent Stemo, I'm handing you the whole
10 exhibit, but I think that the time period I asked
11 for is reflected on the first page. And
12 specifically what I'm asking -- I'll break down the
13 question.

14 These are the housing records for Cheech,
15 right?

16 A. Yes.

17 Q. And can you look at the date April 11,
18 2013?

19 A. That date's not on there.

20 Q. Oh, I thought it was. 4/11?

21 A. 4?

22 Q. No, 4/11/2013.

23 A. No, it says April 4, 2013.

24 MS. JACKS: May I approach?

25 THE COURT: You may.

1 A. Oh, I see it now.

2 Q. Okay. So do you see that on April 11,
3 2013, it looks like Mr. Martinez was in custody,
4 right?

5 A. Yes.

6 Q. And housed at the North facility?

7 A. Yes.

8 Q. And then what's the next date on the
9 housing record?

10 A. February 10th, 2016.

11 Q. And there, he's in some sort of intake?

12 A. Correct.

13 Q. So between April 11, 2013, and February
14 10th, 2016, according to those records was Mr.
15 Martinez in the New Mexico Department of
16 Corrections?

17 A. I don't think so.

18 Q. Can we have a -- there's some doubt, so I
19 just want to make --

20 A. I'm not an expert on location histories.

21 Q. But looking at that history, he's not
22 housed, according to that, within the New Mexico
23 Department of Corrections?

24 A. Yeah, I don't think so.

25 Q. Okay. Thank you.

1 THE COURT: Ms. Jacks, would this be a
2 good point for us to take our morning break?

3 MS. JACKS: Yes. And I can say I have
4 nothing further.

5 THE COURT: Thank you, Ms. Jacks.

6 All right. We'll be in recess for about
7 15 minutes.

8 All rise.

9 (The jury left the courtroom.)

10 THE COURT: All right. We'll be in recess
11 for about 15 minutes.

12 (The Court stood in recess.)

13 THE COURT: All right. We'll go on the
14 record.

15 Ms. Fox-Young, do you want continue your
16 request for relief?

17 MS. FOX-YOUNG: Yes, Your Honor.

18 THE COURT: Ms. Fox-Young.

19 MS. FOX-YOUNG: Your Honor, I'd just like
20 to start with a document that was produced to me
21 about 30 seconds ago, which I have not yet had time
22 to review. But I'd like to mark it as the next
23 Court's exhibit. Our exhibit. I'm sorry. I don't
24 get to decide what the Court's exhibits are.

25 FX. And it purports to be Agent Stemo's

1 notes, I think from October 24, 2017, of her
2 interview with Mario Rodriguez. Mr. Castellano used
3 those notes in cross-examination of Agent Stemo. I
4 don't have the transcript in front of me, but he
5 asked her specifically -- and, Your Honor, I'd just
6 ask that the witness not be present for this
7 argument.

8 THE COURT: All right. Why don't you step
9 out, Ms. Stemo.

10 MS. FOX-YOUNG: Thank you, Your Honor.

11 THE COURT: Ms. Fox-Young.

12 MS. FOX-YOUNG: And asked her specifically
13 whether she had included anything in her notes about
14 Mr. Perez' affect, as told to her by Mr. Rodriguez,
15 other than that Mr. Perez looked scared. He may
16 have asked a couple of other questions about the
17 notes.

18 Of course, we didn't have the notes in
19 order to use on redirect. I immediately emailed the
20 Government and asked them for the notes. I think
21 we're entitled to the notes, as they're using them
22 in their case.

23 And this Court will recall prior rulings
24 to preserve and review and subsequently produce law
25 enforcement notes for any of the CHS law enforcement

1 handlers within 14 days. I think that came out of
2 the May 9th to 10th, 2017, hearings. And that was
3 the transcript from May 10th, 2017, page 4, lines 17
4 to 20; and page 5, line 25 to page 6, lines 1 to 2.

5 And in addition, Agent Stemo, although we
6 called her in our case, is the Government's agent.
7 We're entitled to Jencks on her.

8 And so I now have maybe a dozen
9 handwritten pages of notes that I haven't had a
10 chance to review. I'm not sure how we'll be able to
11 use them at this moment, but we'd certainly ask that
12 we have the opportunity to use them with Agent
13 Stemo. I think that's a clear violation of the
14 Court's multiple orders on production of Jencks,
15 production of notes of law enforcement handlers
16 within 14 days after review.

17 And with that, I'll just return to the
18 question of the box of documents that were
19 purportedly from Mario Rodriguez, which we still
20 have not received as of the present moment. And
21 where I left off this morning, Your Honor, I was
22 also going to ask that the Court order the
23 Government to produce any and all FBI or New Mexico
24 Corrections Department reports documenting the
25 transfer of those records. There have been

1 thousands of documents in this case, but I don't
2 think that we have received them. In addition, any
3 other documents under Agent Sainato's desk or any
4 other FBI agent's desk in their offices that are
5 relevant with these witnesses.

6 THE COURT: All right. Well, let me
7 consider your request.

8 All rise.

9 (The jury entered the courtroom.)

10 THE COURT: All right. Everyone be
11 seated.

12 All right, Ms. Stemo, if you'll return to
13 the witness stand, and I'll remind you that you're
14 still under oath.

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: All right. Do any of the
17 other defendants have redirect examination that they
18 wish to conduct of Ms. Stemo?

19 Mr. Lowry.

20 MR. LOWRY: Your Honor, may I approach?

21 THE COURT: You may.

22 (The following proceedings were held at
23 the bench.)

24 MR. LOWRY: Your Honor, I want to renew my
25 objection I made earlier. We went through the Mario

1 Rodriguez testimony that he gave on February 7th,
2 and the problem is, Mr. Rodriguez never made any
3 kind of comment about Mr. Baca wanting to kill rats.
4 So this idea that the United States needed to
5 bolster or, you know, come back and vouch for the
6 credibility of this witness, whose credibility was
7 never under attack by Mr. Baca, doesn't qualify for
8 the hearsay exception or even the use of these
9 statements.

10 So at this time, we're going to have to
11 move to strike all of that testimony.

12 THE COURT: Well, find it in the record
13 and let me see, and then give the Government an
14 opportunity to show me anything that is
15 inconsistent, that they're trying to impeach. It's
16 a little hard for me to remember what I heard on
17 February 7th.

18 MR. LOWRY: Understood, Your Honor. And
19 we dutifully did that, and my position is there is
20 nothing in the record.

21 THE COURT: I understand your position,
22 but he's testified something here you need me to
23 strike, and you need to find that. The Government
24 needs to show me what it is.

25 MR. LOWRY: I can do that, Your Honor.

1 There was a series of questions where Mr. Castellano
2 asked --

3 THE COURT: Tell me where in the record it
4 is.

5 MR. LOWRY: Oh, gosh. On this, I don't
6 have the time signatures. On ours, we only have
7 page breaks.

8 THE COURT: Ms. Bean, we need to have
9 consistent real-time between the Court and the
10 lawyers that I've got, page numbers, and they don't
11 have the time, and I do. So we need to have the
12 same real-time advantages the Court does, that the
13 parties do. So let's make sure that gets done.

14 MR. LOWRY: I apologize, Your Honor. Can
15 I give you -- the statement was, Mr. Castellano
16 asked a question, did he provide information about
17 Baca's feelings about rats. And the answer was
18 "Yes." And then there was a follow-up question
19 which I thought was a "Yes" or "No" question, "What
20 should be done with them," meaning what should be
21 done with rats. And rather than respond "Yes" or
22 "No," Ms. Stemo said, "They should be killed."

23 Now, as far as we can tell, everyone in
24 the jury box took notes about that specific answer,
25 and I don't think the answer was responsive.

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 THE COURT: What do you want me to do?

2 MR. LOWRY: I would like the jury to be
3 instructed that all of that testimony --

4 THE COURT: When you say "all of that
5 testimony," tell me what you want to say.

6 MR. LOWRY: I would like the jury to be
7 instructed that Ms. Stemo's testimony, any testimony
8 she provided regarding Mr. Baca be disregarded as to
9 Mr. Baca. I don't want to highlight that specific
10 statement, but I want the jury to know that any
11 statement she made regarding Mr. Baca should be
12 completely disregarded and not be used in their
13 consideration of this case, and that any notes that
14 they made should be stricken.

15 THE COURT: Do you have any -- Mr.
16 Castellano, do you have any statements that you feel
17 that you were trying to get Ms. Stemo to make a
18 prior consistent statement, and can you link it with
19 the February 7th testimony?

20 MR. CASTELLANO: I can't specifically link
21 it with that testimony. I remembered him discussing
22 the rayos and the organization of the SNM. I
23 thought it was in there, but I cannot pinpoint for
24 the Court.

25 THE COURT: Do you have any objection to

1 me making this instruction, then?

2 MR. CASTELLANO: No, because that would be
3 a "Yes" or "No" answer by providing information
4 about what he thinks.

5 THE COURT: Well, why don't I give this
6 answer -- or give this instruction to the jury,
7 then.

8 (The following proceedings were held in
9 open court.)

10 THE COURT: All right. As far as Ms.
11 Stemo's testimony as to Mr. Baca, anything that she
12 said as to Mr. Baca should be disregarded. And if
13 you took notes and you put that in there, go right
14 now and strike it out as to Mr. Baca. So remove
15 that, and her testimony as to Mr. Baca will be
16 stricken.

17 All right. Mr. Lowry, did you have any
18 redirect of Ms. Stemo?

19 MR. LOWRY: No, Your Honor.

20 THE COURT: Mr. Maynard? Ms. Bhalla?

21 MS. BHALLA: No, Your Honor.

22 MR. MAYNARD: No, Your Honor.

23 THE COURT: All right. Ms. Stemo, you may
24 step down.

25 Do you have something further, Mr.

1 Castellano?

2 MR. CASTELLANO: Yes, Your Honor, based
3 off the redirect.

4 THE COURT: All right.

5 FURTHER REDIRECT EXAMINATION
6 BY MR. CASTELLANO:

7 Q. Okay. When you were referring to Mr.
8 Rodriguez, once he made the decision to cooperate
9 and you said he cried or had tears in his eyes, was
10 that October 24th of 2017?

11 A. It was.

12 Q. And had he even pled guilty at that point?

13 A. He had not.

14 Q. So he pled guilty on November 1st, 2017,
15 correct?

16 A. I believe so.

17 Q. So the idea of him not getting a life
18 sentence and things of that nature, he hadn't even
19 pled guilty yet, correct?

20 A. Correct.

21 Q. Now, if we can have -- oh, you were also
22 asked by Mr. Perez' attorney about not knowing what
23 was said to Mr. Perez. Do you remember that?

24 A. Yes.

25 Q. And isn't it true that Mr. Rodriguez,

1 well, told you he didn't say anything to Mr. Perez?

2 A. I believe so.

3 Q. And to be more specific, when he took the
4 piece from the walker to make shanks?

5 A. Yes.

6 Q. And so if Mr. Rodriguez didn't say
7 anything, then it must have been someone else who
8 said something; isn't that true?

9 A. Yes.

10 Q. Okay. I'm going to show you Government's
11 Exhibit 757. Okay. So are you aware that this is a
12 letter that was supposed to be -- that was written
13 from Jerry Armenta and it was meant for Jerry
14 Montoya? Do you know that?

15 A. I did not until this morning.

16 Q. And are you aware that this never even
17 reached Jerry Montoya and that it was intercepted?

18 A. I don't know that.

19 Q. Now, in the area where it says, "It all
20 went down, from you picking up your hands," do you
21 see that part?

22 A. I do.

23 Q. So that is Jerry Armenta referring to
24 Jerry Montoya picking up his hands?

25 A. Yes.

1 Q. And is that consistent with what Mr.
2 Rodriguez told you happened when he met with Mr.
3 Montoya to give him his shank?

4 A. Yes.

5 Q. Now, you were asked about corroboration
6 and records and things of that nature. Do you
7 remember that?

8 A. Yes.

9 Q. And in addition to records and things of
10 that nature, can you also compare people's
11 statements to each other, to see if they make sense?

12 A. Yes.

13 Q. And so as part of your process, did you
14 also basically test statements against each other,
15 to see if they made sense?

16 A. Yes.

17 Q. Are you aware of a phone conversation
18 between Mr. Baca and the person known as Cheech, a
19 telephone conversation?

20 MR. LOWRY: Objection, Your Honor, outside
21 the scope.

22 THE COURT: Well, let me just see. This
23 is a yes/no answer. Let's see if she knows about it
24 first.

25 A. Yes.

1 Q. And in terms of things by which you can
2 corroborate things, I won't ask you about the
3 contents of that now, but is there a conversation
4 between Mr. Baca and the person known as Cheech
5 which helps corroborate some of this information in
6 this case?

7 MR. LOWRY: Objection, Your Honor. It's
8 still beyond the scope.

9 A. And I would --

10 THE COURT: Well, tell me where it linked
11 up in the scope of the redirect.

12 MR. CASTELLANO: Ms. Jacks asked about can
13 you compare records, can you look for people going
14 in and out of custody, and things of that nature,
15 and she even showed Agent Stemo a location history.
16 So the question is: Are there other things you can
17 use to compare or corroborate other information?

18 THE COURT: Well, I think you can ask
19 general questions without being specific, so keep it
20 at a general level.

21 MR. CASTELLANO: Like I said, I'm not
22 asking for the contents.

23 THE COURT: I know, but keep it general
24 rather than going into specific things.

25 MS. JACKS: Your Honor, if I may, I also

1 object, and I think that the question requires
2 reliance on hearsay in order to provide the answer.

3 THE COURT: Well, let's see what the
4 question is. I've sustained the objection to this
5 question. I don't need more objections to it.
6 Let's see what the new question is.

7 BY MR. CASTELLANO:

8 Q. Are you aware of a phone conversation
9 between Mr. Baca --

10 THE COURT: No, that's not consistent with
11 my -- you're not going to ask that question.

12 MR. CASTELLANO: I wasn't asking for the
13 contents, Your Honor.

14 THE COURT: I said keep it general, don't
15 go specific.

16 BY MR. CASTELLANO:

17 Q. Are you aware of other information which
18 tends to corroborate some of the information we have
19 in this case?

20 A. Yes.

21 Q. Without telling us anything else, are you
22 aware of phone calls which also do that?

23 A. Yes.

24 Q. Showing you Defendants' Exhibit FV,
25 Foxtrot-Victor, okay, so you've seen this exhibit

1 now, which is a letter written by Mario Rodriguez,
2 correct?

3 A. Yes.

4 Q. And, once again, purportedly written in
5 2014?

6 A. Yes.

7 Q. And are you aware of the letter written by
8 Jerry Armenta to Jerry Montoya's attorney?

9 A. Yes. The one you just showed?

10 Q. Yes.

11 A. Yes.

12 Q. So once this case became a federal case,
13 did you see defendants trying to write letters like
14 this, in which they basically tried to take the rap
15 for somebody else?

16 A. I don't --

17 MS. JACKS: Objection, compound.

18 THE COURT: Overruled.

19 A. Not that I recall.

20 Q. So in other words, have you seen a letter
21 like this from Mario Rodriguez after this became a
22 federal case?

23 A. No.

24 Q. Or Jerry Armenta?

25 A. No.

1 Q. Or Jerry Montoya?

2 A. No.

3 Q. So did you only see this when this was a
4 state case that was pending?

5 A. Yes.

6 MR. CASTELLANO: I pass the witness, Your
7 Honor.

8 THE COURT: Thank you, Mr. Castellano.

9 Mr. Villa, do you have re-redirect?

10 MR. VILLA: Just briefly, Your Honor.

11 THE COURT: Okay.

12 FURTHER REDIRECT EXAMINATION

13 BY MR. VILLA:

14 Q. Agent Stemo, in terms of what took place
15 when Mario Rodriguez was in Rudy Perez' cell, you
16 testified that Mario Rodriguez said to you that he
17 didn't say anything to Mr. Perez?

18 A. Yes.

19 Q. So you're assuming that that's true?

20 A. Yes.

21 Q. And that basically everything, what Mario
22 Rodriguez told you was not only true, but that he
23 told you every single detail?

24 A. No, I don't assume that.

25 Q. Well, in fact, you didn't get every single

1 detail from Mario Rodriguez, did you?

2 A. No.

3 Q. You do agree, though, that if Mr. Perez
4 had said anything at that time, you know, as Mario
5 Rodriguez is doing what he's doing, taking the piece
6 off the walker and alerting the COs, that sort of
7 thing, that could label Mr. Perez as a rat?

8 A. It could.

9 Q. And Mario Rodriguez told you, did he not,
10 that anybody can sanction a rat?

11 A. Yes.

12 MR. VILLA: May I have just a moment?

13 THE COURT: You may.

14 MR. VILLA: That's all, Your Honor.

15 THE COURT: All right. Thank you, Mr.
16 Villa.

17 Anyone else?

18 MS. JACKS: No, Your Honor. I have
19 nothing further.

20 THE COURT: All right. Any other
21 defendants have anything further of Ms. Stemo? All
22 right. Ms. Stemo, you may step down. Is there any
23 reason Ms. Stemo cannot be excused from the
24 proceedings?

25 MS. JACKS: No, Your Honor. Thank you.

1 MR. VILLA: Your Honor, based on the issue
2 of the notes, we're going to reserve her.

3 THE COURT: All right. You're subject to
4 being re-called. You will need to stay outside of
5 the courtroom, but you are free to leave the
6 courthouse.

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: All right. Thank you for your
9 testimony, Ms. Stemo.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com


1 UNITED STATES OF AMERICA

2 STATE OF NEW MEXICO

3
4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,
6 Official Court Reporter for the State of New Mexico,
7 do hereby certify that the foregoing pages
8 constitute a true transcript of proceedings had
9 before the said Court, held in the District of New
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my
12 hand on this 30 day of March, 2018.

13
14 
15 Jennifer Bean, FAPR, RMR-RDR-CCR
16 Certified Realtime Reporter
17 United States Court Reporter
18 NM Certified Court Reporter #94
19 333 Lomas, Northwest
20 Albuquerque, New Mexico 87102
21 Phone: (505) 348-2283
22 Fax: (505) 843-9492
23 License expires: 12/31/18
24
25

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com